



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Board of Adjustment

*Chair Eric Leibsohn*  
*Boardmember Ken Barnes*  
*Boardmember Joseph Contadino*  
*Boardmember James Kuykendall*  
*Boardmember Hope Ozer*  
*Boardmember Bill Petsas*  
*Boardmember Quinn Williams*

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Wednesday, June 4, 2025

5:30 PM

Council Chambers

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### 1. CALL TO ORDER

### 2. ROLL CALL

*Notice is hereby given that members of the Board of Adjustment will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 3. EXECUTIVE SESSION

*The Board of Adjustment may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.*

### 4. STUDY SESSION ITEMS

*Work/Study is open to the public however the following items are scheduled for discussion only. The Board of Adjustment will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Board of Adjustment may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.*

### 5. PUBLIC HEARINGS

*The Board of Adjustment may take action on this item.*

**25-141**

**Discussion and Possible Action on Case No. BA-25-02  
Amin Variance - 6521 N. 40th Place (APN 169-52-020)  
Variance to allow a new single-family residence to encroach  
beyond the allowable height limits.**

**Staff Contact:** George Burton, 480-348-3525

**Attachments:** [Staff Report](#)  
[Vicinity Map & Aerial Photo](#)  
[Application](#)  
[Narrative & Plans](#)  
[Notification Materials](#)  
[Public Comment](#)  
[May 7, 2025 Draft Board of Adjustment Meeting Minutes](#)  
[Staff Presentation](#)

**25-143**

**Discussion and Possible Action on Case No. BA-25-03  
Sandell Variance - 4474 E Valley Vista Lane (APN 169-20-122)  
Variance to exceed the maximum allowable LRV (Light Reflecting  
Value) of thirty-eight (38) percent and not blend in with  
surrounding environment and to allow for an illuminated game  
court.**

**Staff Contact:** Jose Mendez, 480-348-3519

**Attachments:** [A. Staff Report](#)  
[B. Vicinity Map and Aerial Photo](#)  
[C. Application](#)  
[D. Narrative and Plans](#)  
[E. Notification Materials](#)  
[F. Staff Presentation](#)  
[G. Applicant Presentation](#)

## 6. ACTION ITEMS

*The Board of Adjustment may take action on this item.*

## 7. CONSENT AGENDA

*All items on the Consent Agenda are considered by the Public Body to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a Commissioner or member of the public desires discussion on any item it will be removed from the Consent Agenda and considered separately.*



[25-120](#)**Approval of May 7, 2025 Board of Adjustment Minutes.**Staff Contact:

Cherise Fullbright, 480-348-3539

Attachments:[2025-05-07 BOA Draft Minutes](#)**8. STAFF REPORTS****9. PUBLIC BODY REPORTS****10. FUTURE AGENDA ITEMS****11. ADJOURNMENT***AGENDA IS SUBJECT TO CHANGE*

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Planning Commission meeting.*



## Action Report

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**File #:** 25-141

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**AGENDA TITLE:**

**Discussion and Possible Action on Case No. BA-25-02**

**Amin Variance - 6521 N. 40<sup>th</sup> Place (APN 169-52-020)**

**Variance to allow a new single-family residence to encroach beyond the allowable height limits.**

**STAFF CONTACT:**

# **TOWN** *Of* **PARADISE VALLEY**



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## **STAFF REPORT**

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**TO:** Chair and Board of Adjustment

**FROM:** Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** June 4, 2025

**DEPARTMENT:** Community Development Department/Planning Division  
George Burton, 480-348-3525

**AGENDA TITLE:**

**Amin Variance – 6521 N. 40<sup>th</sup> Place (APN 169-52-020)**

**Variance to allow a new single-family residence to encroach beyond the allowable height limits. Case No. BA-25-02**

This application is a variance request to allow a new single-family residence to encroach beyond the allowable height limits. Staff recommends denial of this variance request since the house can be redesigned to reduce the amount of height encroachments.

**RECOMMENDATION**

Motion For Denial:

It is recommended that the Board of Adjustment **[deny]** Case No. BA-25-02, a request by Yogesh Amin, property owner of 6521 N. 40<sup>th</sup> Place; for a variance from Article X, Height and Area Regulations, to allow a new single-family residence to encroach beyond the allowable height limits.

Reasons For Denial:

Staff finds that there is property hardship associated with the lot. However, this appears to be a design hardship since the amount of height encroachment can be reduced to address the associated property hardship (e.g. the request does not appear to be the minimum amount needed to cure the associated property hardship).

## BACKGROUND/DISCUSSION

### Background

The Board reviewed a previous application for height encroachment at the May 7, 2025 meeting. The applicant requested a continuance to modify the plans and reduce the amount of height encroachment. The request for continuance was granted to the June 4<sup>th</sup> meeting date by a vote of 7 to 0. The property was also reposted identifying the continuance to June 4<sup>th</sup>. A copy of the draft May 7<sup>th</sup> meeting minutes is enclosed for reference.

The applicant updated the plan and reduced the amount of height encroachment. In summary, the applicant lowered the elevation of the building pad (which lowers the house by 12 inches) and modified and reduced several of the roof lines:

- Approximately **8.0%** (753 square feet) of the proposed roof area encroaches beyond the Open Space Criteria (**previously 16.2%** or 1,531 square feet), with a maximum of **4.0'** above the Criteria (**previously 5.9'**).
- Approximately **13.6%** (1,275 square feet) of the proposed roof area encroaches beyond the 24' height limit (**previously 20.0%** or 1,890 square feet), with a maximum of **3.5'** above the 24' limit (**previously 4.5'**).

Below is a comparison between the original height encroachments/request with the updated height encroachments/request for the new home.

	Original Request	Proposed Request
Front Yard Setback	58'4"	58'4"
North Side Yard Setback	22' (+/-)	22' (+/-)
South Side Yard Setback	20'	20'
Rear Yard Setback	40'	40'
Maximum Overall Height	28.5' (20.0% of roof)	27.5' (13.6% of roof)
Open Space Criteria	19.3' to 27.9' (16.2% of roof)	18.6' to 26.7' (8.0% of roof)
Floor Area Ratio Limit	24.8%	24.6%
Hillside Designation	2.5% Building Pad Slope 7.25% Property Slope	2.5% Building Pad Slope 7.25% Property Slope

### Scope of Request

The property is zoned R-43 and Section 1001 of the Town Zoning Ordinance identifies that the primary residence must meet two height requirements: a maximum overall height of 24 feet measured from the lowest natural grade (LNG) under the house and must meet the Open Space Criteria (OSC). The OSC is essentially an "imaginary tent" that centers the mass of house by allowing the house to increase in height as it gets further away from the property lines. For instance, the house may be 16 feet tall at the 20-foot setback, 20 feet tall at the 40-foot setback, and 24 feet tall at the 60-foot setback. 8.0% (753 square feet) of the proposed home encroaches beyond the OSC limit and 13.6% (1,275 square feet) of the new house encroaches beyond the 24-foot overall height limit.

Below is a comparison of the Zoning Ordinance requirements and the modified/proposed house.

	<b>Zoning Ordinance</b>	<b>New SFR</b>
Front Yard Setback	40'	58'4"
North Side Yard Setback	20'	22' (+/-)
South Side Yard Setback	20'	20'
Rear Yard Setback	40'	40'
Maximum Overall Height	24'	27.5' (13.6% of roof)
Open Space Criteria	16' to 24'	18.6' to 26.7' (8.0% of roof)
Floor Area Ratio Limit	25.0%	24.6%
Hillside Designation	10% slope or greater	2.5% Building Pad Slope 7.25% Property Slope

### Lot History

The subject property is Lot 35 of the Lincoln Heights subdivision. This lot was platted in Maricopa County in 1959, the original house was built in 1969 under Maricopa County's jurisdiction, and the property was annexed into the Town in 1982. There are no building permits on file for this property.

### Lot Conditions

The property is zoned R-43 (non-hillside) and is 37,987 square feet in size (0.87 acres). The property is relatively square in shape with an approximate width of 219 feet and an approximate depth of 194 feet. Although the property is not designated as a hillside lot, it has an approximate site slope of 7.25%. The terrain slopes upwards towards the rear of the property and there is approximately 17 feet of grade elevation/difference from the front property line to rear property line.

The current Town Code identifies that properties with a building pad slope of 10% or greater are designated as hillside lots. Also, current development standards require newly platted lots to have a minimum dimension of 165 feet wide and 205 feet deep.

## **DISCUSSION ITEMS**

### Variance Criteria:

Town Code and Arizona Revised Statutes set criteria an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds that an applicant meets all of these criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all of the criteria, the Board may not grant the variance. The following is the staff's analysis regarding the variance criteria:

1. *"That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* (Town Code Section 2-5-3(C)4).

### Staff Analysis:

The slope of the property, slightly smaller lot size, and shallow depth of the lot create property hardships. The property is not designated as a hillside lot yet has a

site slope of approximately 7.25% (from the west to the east property line) and a building pad slope of approximately 2.5% (with hillside lots having a building pad slope of 10% or greater).

Staff believes that some height encroachment is warranted due to these property hardships, however, the design of the house does not appear to be the minimum amount needed to cure the property hardships. Although it is not ideal, the design of the house can be modified to reduce the proposed height encroachments. Specifically, the height encroachments can be reduced by removing the “butterfly” portions of the roof and further lowering the building pad.

2. *“That the special circumstances applicable to the property were not self-imposed or created by the property owner; and”* (Town Code Section 2-5-3(C)4).

Staff Analysis:

The slope of the property is the result of how it was platted. The applicant is trying to utilize the existing building pad, however, the house can be redesigned and reorientated to reduce the amount of height encroachment. The current proposal appears to be more of a design hardship instead of a property hardship since other alternatives exist to reduce the amount of height encroachments.

3. *“That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district”* (Town Code Section 2-5-3(C)4).

Staff Analysis:

The applicant is trying to work with the site conditions and is trying to utilize the building pad of the exiting home. Although there is a fair amount of slope to this property, all other homes in the area must meet height requirements despite the slope of their lot. As previously noted, the “butterfly” roof can be removed or redesigned and the building pad can be lowered to reduce the amount of height encroachments.

In this instance, the roof style is magnifying the topographical challenge posed by the slope in terms of meeting the Open Space Criteria. Any other type of roof would lessen this challenge and likely comply with the code or minimize any variance necessary.

## **REQUIRED ACTION**

The Board of Adjustment must consider the facts and determine if the request for height encroachment meets all three variance criteria. The Board of Adjustment may take the following action:

1. Approve the variance request subject to the following stipulations:
  - a. The improvement shall comply with the submitted plans and documents:
    - i. Site Plan, Sheet A.1, prepared by Victor Sidy Architect and dated May 16, 2025.

- ii. Roof Plan, Sheet A.3, prepared by Victor Sidy Architect and dated May 14, 2025.
    - iii. Elevation Plan, Sheet A.5, prepared by Victor Sidy Architect and dated May 14, 2025.
    - iv. Elevation Plan, Sheet A.6, prepared by Victor Sidy Architect and dated May 14, 2025.
    - v. Cross Section Plan, Sheet A.7, prepared by Victor Sidy Architect and dated May 14, 2025.
  - b. The applicant must obtain the required building permits and inspections from the Town's Building Division.
2. Deny the variance request.
3. Continue the application for further review.

**COMMENTS**

The applicant provided one letter of support from a neighboring property owner via the original submittal. Staff forwarded several comments of opposition from the May 7th meeting to the Board. Also, one neighbor expressed support for the variance at the May 7<sup>th</sup> meeting. However, staff has not received any comments regarding the current/modified design with the reduced height encroachments.

**COMMUNITY IMPACT:** None.

**CODE VIOLATION:** None.

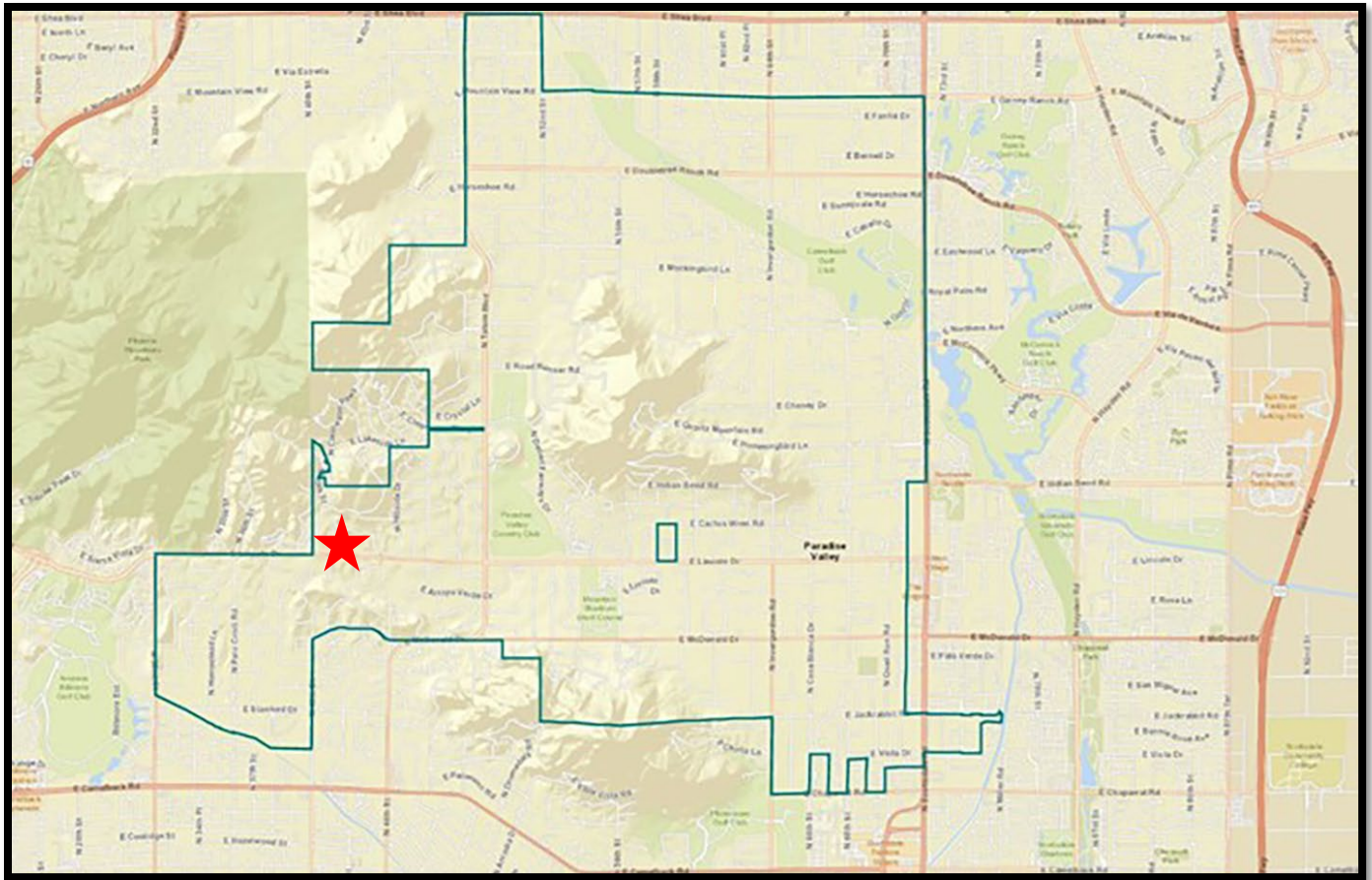
**ATTACHMENTS**

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative & Plans
- E. Notification Materials
- F. Public Comment
- G. May 7, 2025 Draft Board of Adjustment Meeting Minutes
- H. Staff Presentation





# VICINITY MAP



Lincoln Heights Lot 35

6521 N 40<sup>th</sup> Place





# AERIAL



Subject Property

Lincoln Heights Lot 35

6521 N 40<sup>th</sup> Place



# ZONING



**Subject Property**



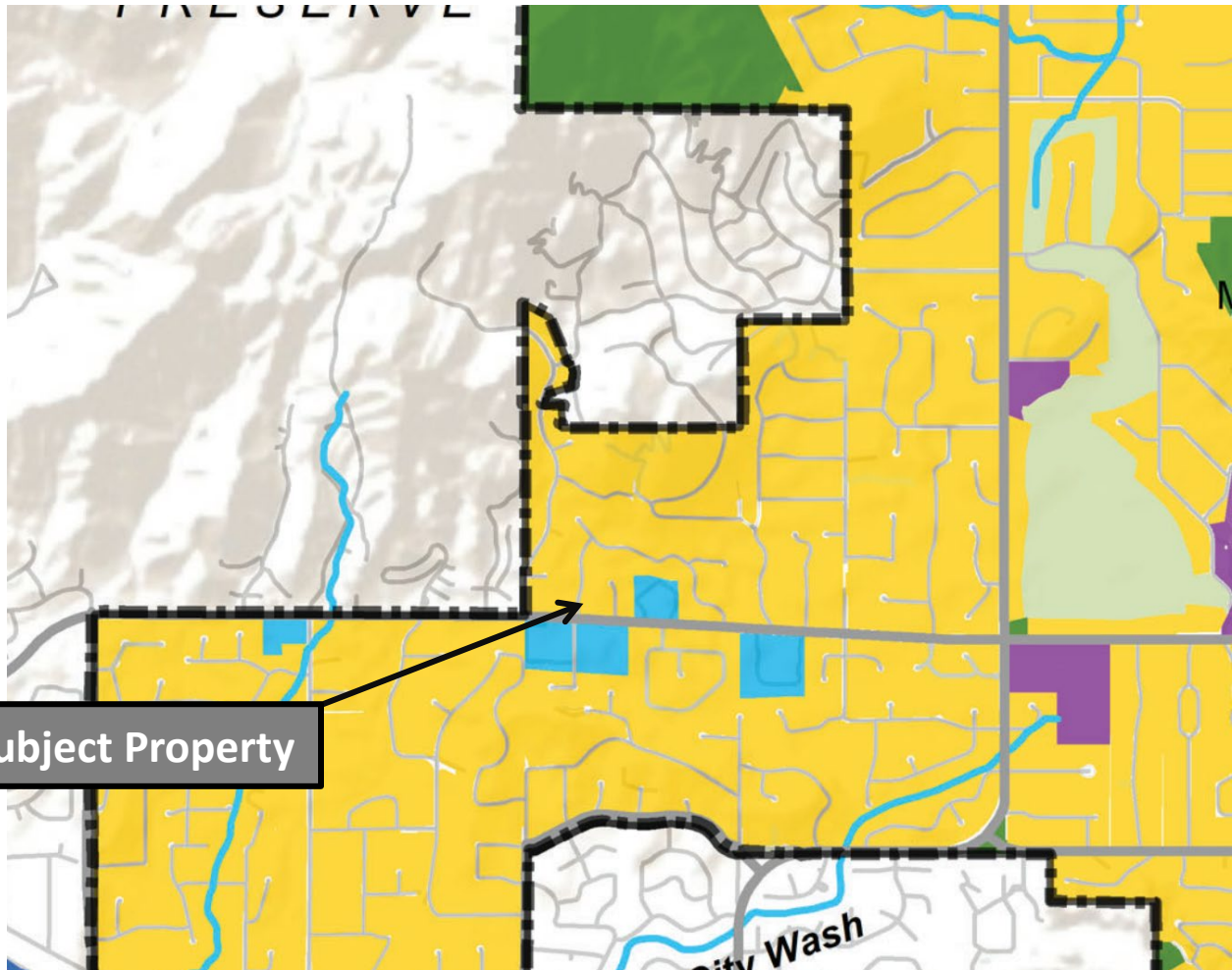
Lincoln Heights Lot 35

6521 N 40<sup>th</sup> Place





# GENERAL PLAN



## Legend

- Planning Area
- Municipal Limits
- Roads
- Indian Bend Wash
- Arizona Canal
- Major Washes

## Land Use Classifications

- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- Private Open Space
- Public Open Space
- Medical Office
- Public/Quasi Public
- Resort/Country Club

NOTE: All public right-of-ways shall be considered Public Open Space.

Lincoln Heights Lot 35

6521 N 40<sup>th</sup> Place



## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### APPLICANT & CONTACT INFORMATION

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_ Zoning: \_\_\_\_\_ Acreage (Net Acres): \_\_\_\_\_

Property Address: \_\_\_\_\_

Assessor's Parcel Number: \_\_\_\_\_

Name of Subdivision & Lot Number: \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Signature: \_\_\_\_\_

(Or provide a separate letter of authorization)

Applicant/Representative: \_\_\_\_\_

Company Name (if Applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Signature: \_\_\_\_\_  \_\_\_\_\_

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED IN THE SUBMITTED NARRATIVE,  
PLANS, AND DOCUMENTS IN ACCORDANCE WITH SECTION 2-5-3 OF THE TOWN CODE AND IN  
ACCORDANCE WITH THE TOWN ZONING ORDINANCE.

### FOR DEPARTMENTAL USE ONLY

Variance-App.#: \_\_\_\_\_ Submittal Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**Date:** May 12, 2025

**Attn:** Community Development  
Town of Paradise Valley

**Project:** 6521 N 40th Place  
Paradise Valley, AZ 85253  
APN:169-52-020

### PROJECT NARRATIVE FOR VARIANCE

6521 N 40th Street is an R-43-zoned, 0.87-acre (37,897 sq ft) property just north of Lincoln Drive, situated on a rise that drops off towards the west and south. As of this writing, a 1960's house exists on the property; notwithstanding certain architecturally interesting characteristics, it has become something of an eyesore for the neighborhood. Our clients, Dr. and Mrs. Yogesh Amin, intend to replace the existing structure with a new 5,760 square-foot family home.

Though the slope of the property does not place it in a Hillside category (the approximate overall site slope is 7.25%), the abrupt slope of the lot at the west and south portions of the lot significantly affects the ability of any home design to comply with the Town's Open Space requirements regarding roof heights. This is specifically due to the required use of the 20' setback lines as the benchmarks from which to calculate roof heights, which is especially challenging due to the uneven terrain at these setbacks. Additional hardships caused by the lot include a shallow dimensional depth: whereas the Town Code requires R-43 lots to be a minimum of 205' deep, this property has a depth that varies from 177' to 210' (with an average depth of approximately 190').

With this in mind, the property owner and design team herewith request variances for roof heights in excess of the Open Space Criteria and in excess of the 24' height limit as exhibited in the Roof Plan and Elevations. As indicated, the proposed area of roof in excess of the Criteria would pertain to approximately 8.0% of the proposed roof area, with a maximum of 4.0' above the Criteria (at the southwestern corner of the proposed structure, where the grade is lowest). The proposed roof area in excess of

**VICTOR SIDY**  
ARCHITECT

2300 E. Utopia Road  
Phoenix, AZ 85024

Tel: 480-688-5599

victor@victorsidy.com

the 24' height limit pertains to approximately 13.6% of the proposed roof area, with a maximum of 3.5' above the 24' limit (at the ridge just south of the middle of the site). Note that were this a Hillside property, the roof heights would be in compliance, at less than 24' above natural grade in all portions of the proposed structure.

Several notes illustrating the rationale behind the proposed layout of the residence on the site:

- The proposed residence is located largely on the footprint of the existing building, which is pushed back from the front property line approximately 60' on average;
- The proposed finished floor elevation is at roughly the same elevation of the existing structure.
- The roof masses are generally low slung: no more than 13' higher than finished floor, with the exception of the central roof mass, which rises 18.1' above the finished floor elevation.
- The existing building encroaches on the rear setback; the proposed building corrects this issue.

In all, the owner and design team have taken steps to create a home that is tailored to the unique characteristics and limitations of the site and is respectful to its neighbors. Even though a number of steps have been taken to reduce the impact of the height of the building, the above-mentioned hardships still remain, therefore precipitating this variance request.

Please feel free to contact me directly with questions regarding this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor E. Sidy', with a stylized flourish at the end.

Victor E. Sidy, AIA LEED AP  
Victor Sidy Architect



**SITE PHOTOS:**

*View from N 40th Place from northwest corner of property, showing steep slope on west side of lot:*



*View from N 40th Place from southwest corner of property, showing steep slope on west and south sides of lot:*



*View at southwest side of existing house towards the east, showing a gradual easing of slope towards the east:*





View from west side of existing house towards the northwest, indicating the steep drop towards the street:



View from south side of existing house towards the west, indicating slope of property on south side:



View from east side of existing house towards the north, indicating the otherwise relatively flat slope of the property:





## **EVIDENCE SATISFYING VARIANCE CRITERIA**

***1. "That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings" (Town Code Section 2-5-3(C)4).***

The primary exceptional circumstance related to this project is the dropping topography on the west and south sides of the property. As maximum roof heights are determined by elevations at the 20' setback lines, this results in undue hardship for the property owner.

A secondary exceptional circumstance is the shallow dimension of the property (less than zoning minimums). On its own, this would be a negligible factor; however, coupled with the steep slopes on the west and south, there is little room on the property to shift the building further back on the lot.

A related constraint produced by the property's slope conditions is the limit to where the entry drive can be routed in order to avoid excessive grading. This is not germane to this variance request, but was a constraint limiting the layout of the property.

***2. "That the special circumstances applicable to the property were not self-imposed or created by the property owner" (Town Code Section 2-5-3(C)4).***

The proposed approximately 5,760 sf residence, plus 1,220 sf garage, are not unduly large by Paradise Valley standards. The project team took pains to comply with the Open Space Standards by, for example, pushing the proposed residence further away from street than the 40' front setback requires and keeping the roof profile of the south wing of the house relatively low-slung, at 11'-0" above finished floor.

The option of terracing the building down towards the south was also explored by the design team; however, the Owners requested a design on one level to support their aging in place as time goes on. This could be seen as a self-imposed circumstance; however, the design team felt this requirement justified in terms of design and ADA best practices.

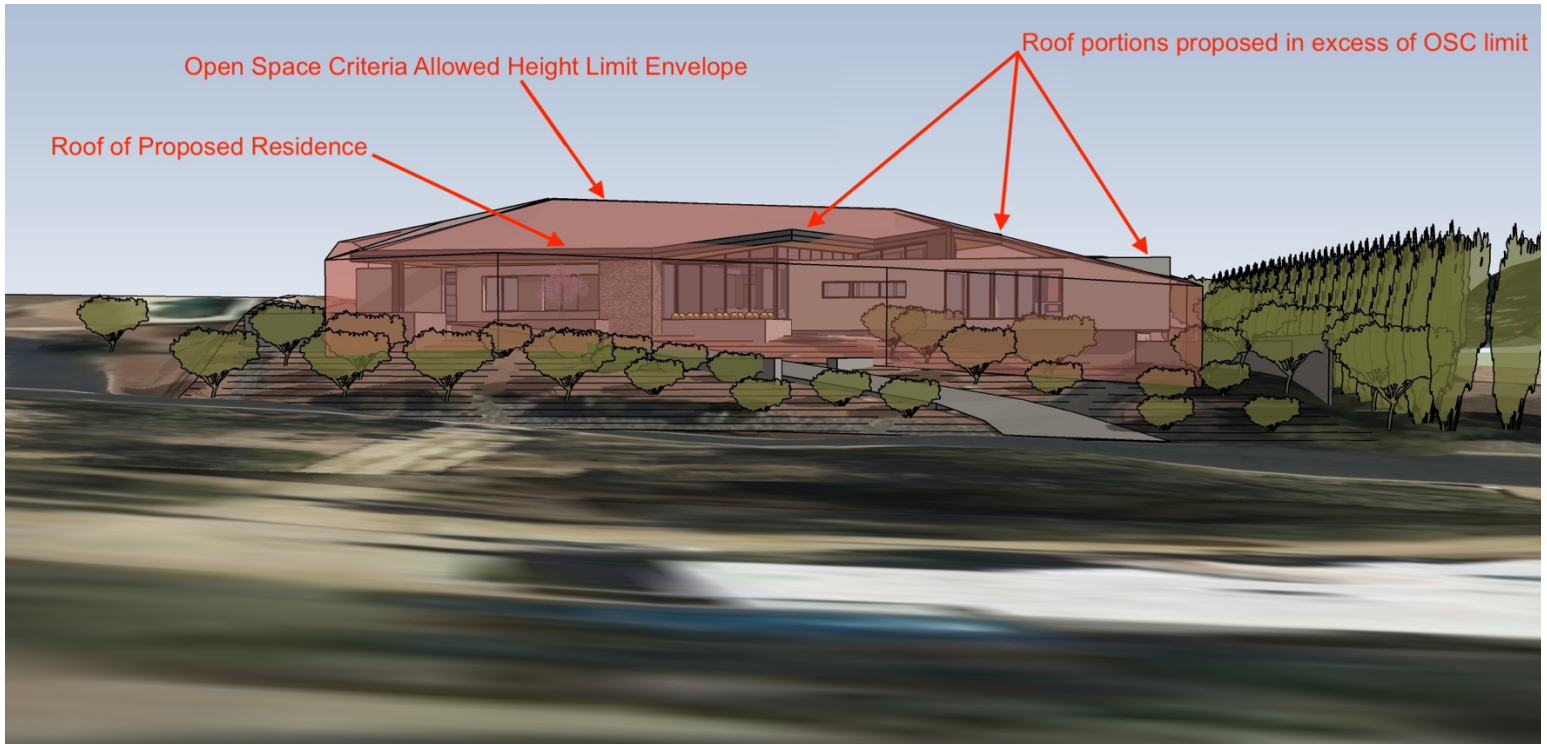
***3. "That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district" (Town Code Section 2-5-3(C)4).***

Should this variance not be granted, the Owner would be forced to reduce the size of their proposed residence, lower the finish floor elevations of the south wing of the house, and/or reduce their ceiling/roof heights. The design team suggests that taking any of these measures would deprive the Owner of privileges enjoyed by other similar properties in Paradise Valley.

As noted previously, the proposed size of the residence is not unduly large compared to other homes built in the area. With the exception of the sloped portion of roof which rises above the rest of roofs, the proposed residence roof is fairly low-slung; the roof edge of the south Wing of the home is proposed at 11'-0" above finish floor, providing a 9'-6" interior ceiling height.

In submitting this variance request, the Owner believes that there would be no negative impact on neighboring properties as a result of such approval; and moreover, that it would allow them to transform a derelict property into a family home that contributes to elegance and vitality of the neighborhood.

Proposed residence with Open Space Criteria overlay (shown as red 'tent'), from viewpoint of neighbor's property (adjacent ridge, two lots over, at 4015 E Sierra Vista Drive):



PROPOSED RESIDENCE WITH OPEN SPACE CRITERIA - 3d Schematic, viewed from 4015 E Sierra Vista Drive

Revisions to plan in response to Board of Adjustment comments at April 7<sup>th</sup> meeting, view from West:



Revisions to plan in response to Board of Adjustment comments at April 7<sup>th</sup> meeting, view from southwest:



Revisions to plan in response to Board of Adjustment comments at April 7<sup>th</sup> meeting, view from southeast:

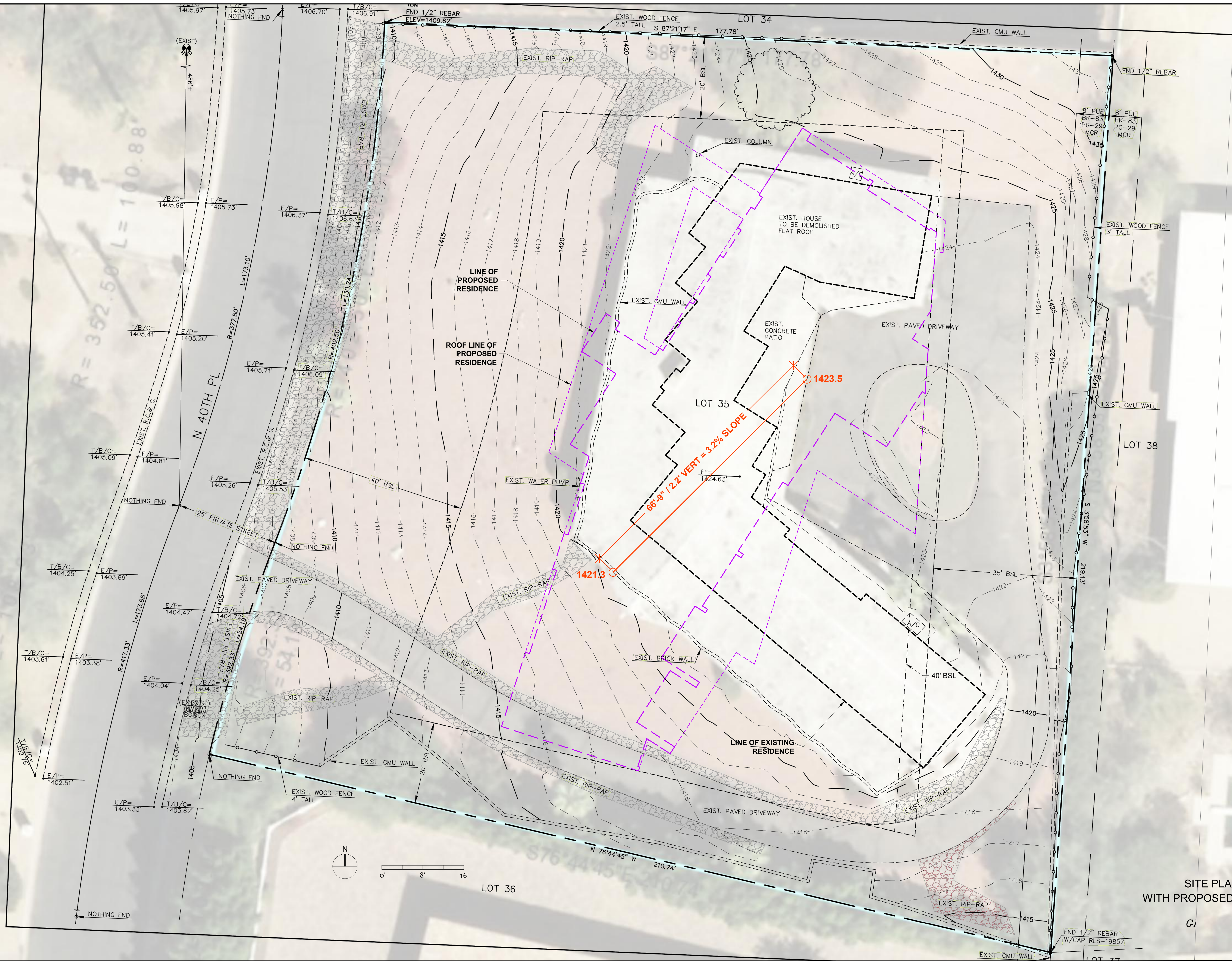






SITE PLAN  
1" = 10'-0"





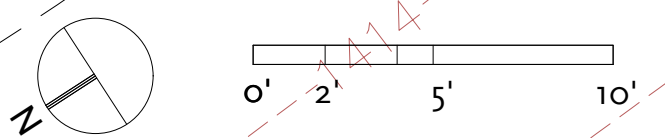








BUILDING AREAS:  
RESIDENCE: 5,760 SF  
GARAGE: 1,220 SF

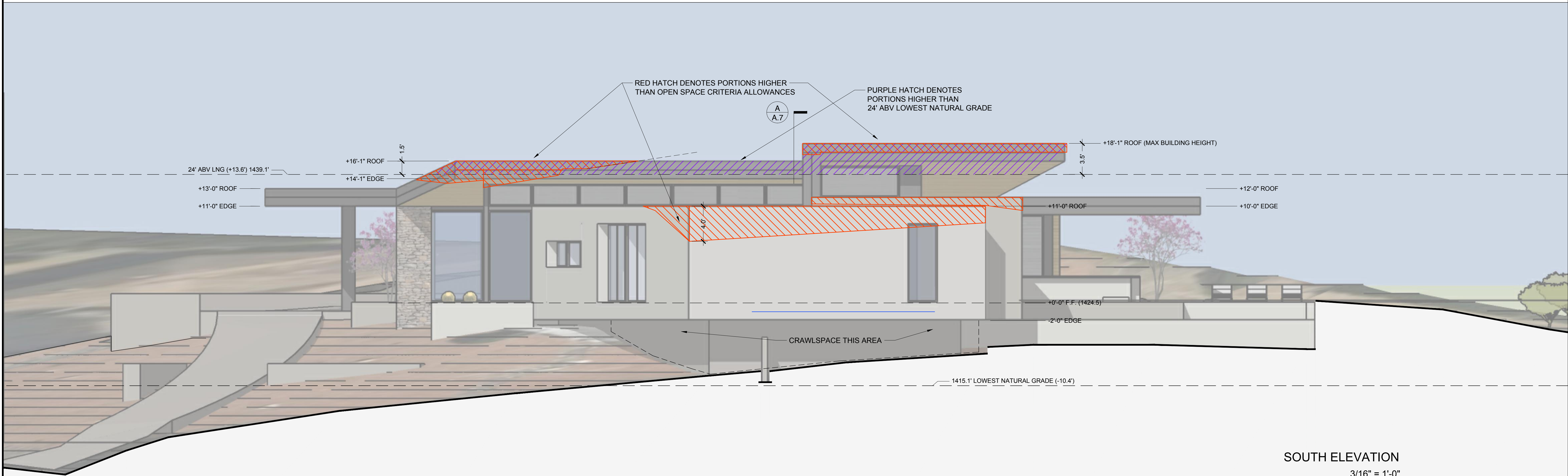


FLOOR PLAN  
3/16" = 1'-0"



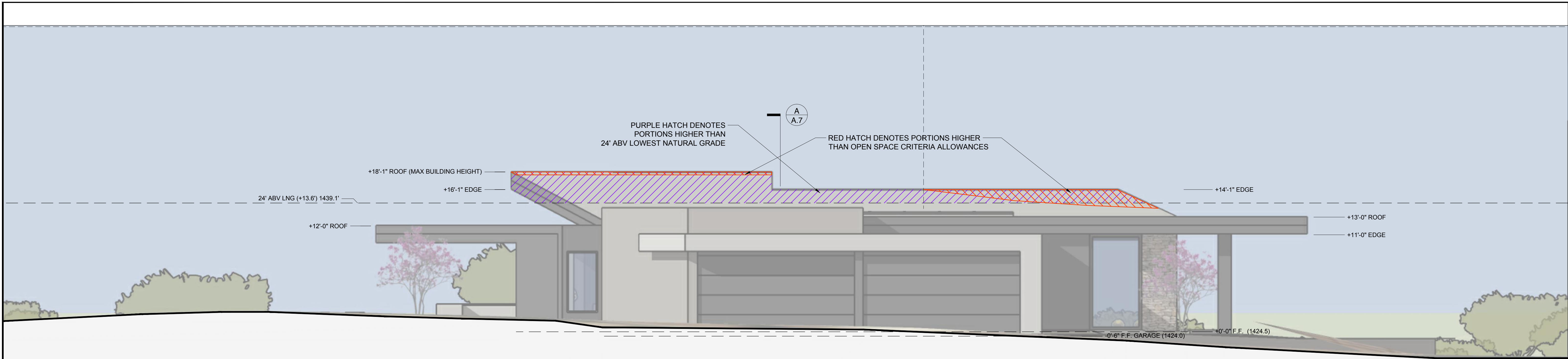


WEST ELEVATION  
3/16" = 1'-0"



SOUTH ELEVATION  
3/16" = 1'-0"

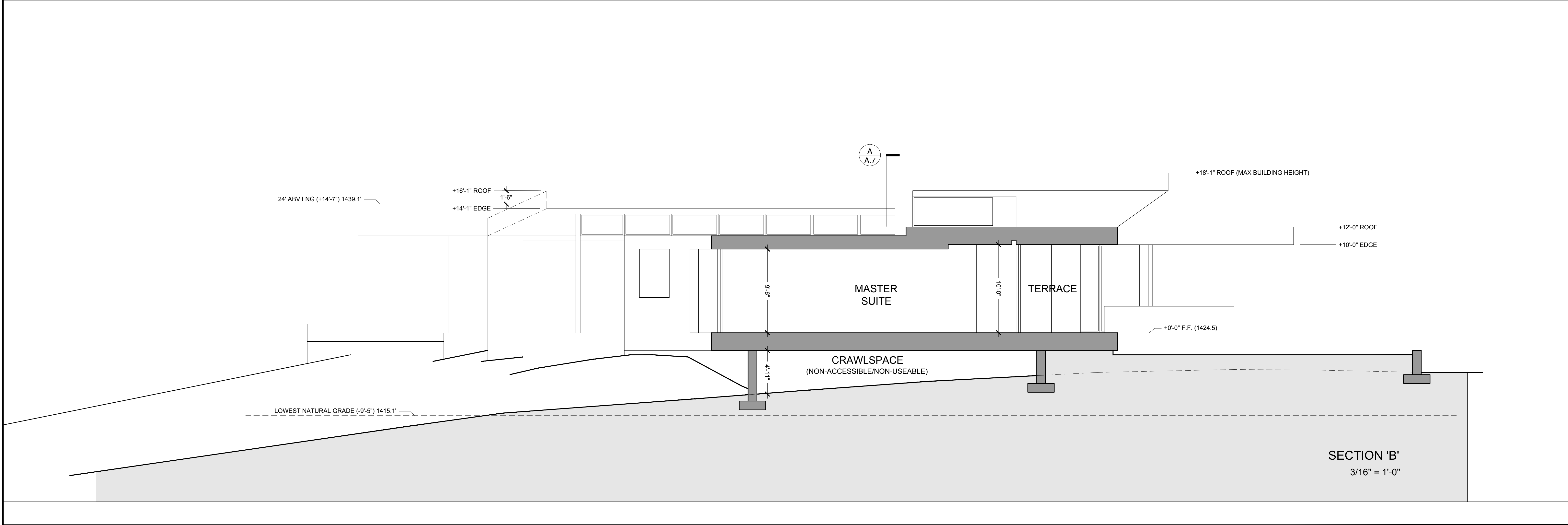
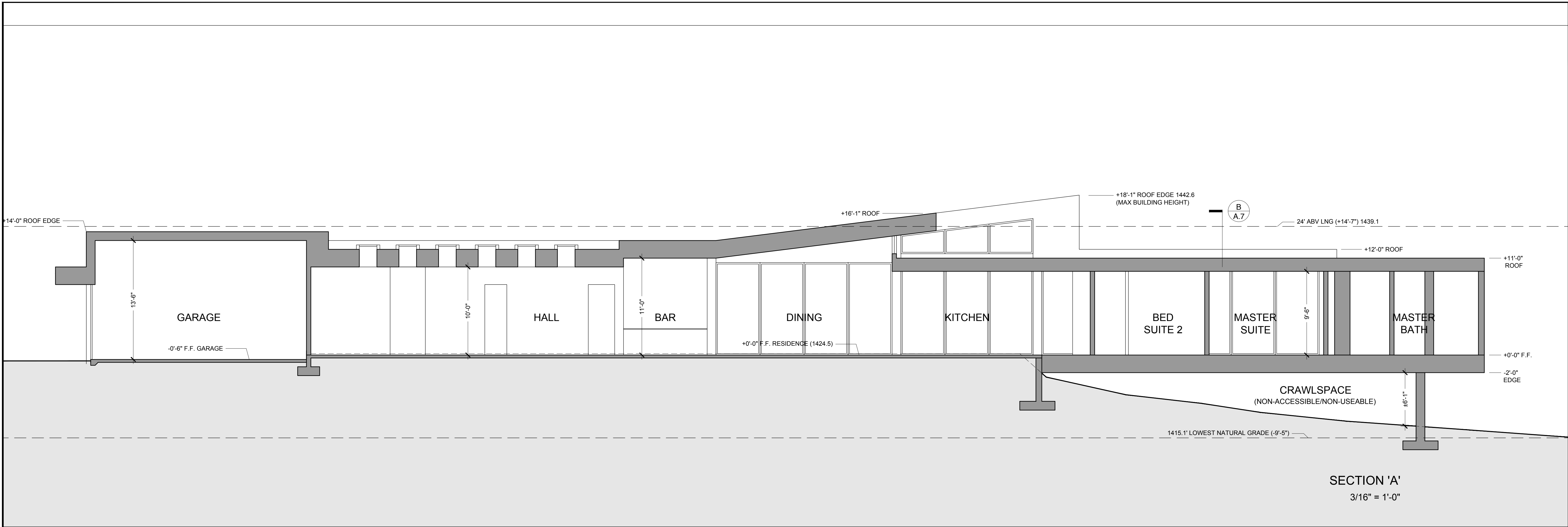




NORTH ELEVATION  
3/16" = 1'-0"



EAST ELEVATION  
3/16" = 1'-0"







VIEW FROM SOUTHEAST



VIEW FROM NORTHWEST



VIEW FROM ABOVE



VIEW FROM SOUTHWEST





## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT THE TOWN OF PARADISE VALLEY BOARD OF ADJUSTMENT WILL HOLD A HEARING ON THE FOLLOWING PROPOSED PROJECT. IF YOU HAVE QUESTIONS ABOUT THIS APPLICATION, PLEASE CALL THE PLANNING DIVISION AT (480) 348-3692.**

Applicant/Representative: \_\_\_\_\_

Applicant's Company Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Project/Property Address: \_\_\_\_\_

Zoning: \_\_\_\_\_ Acreage: \_\_\_\_\_

Project Narrative:

### MEETING DATE/ TIME/PLACE

Meeting Date: Wednesday May 7, 2025 Meeting Time: 5:30 PM

Meeting Place: Town of Paradise Valley Town Hall Building. 6401 E. Lincoln Drive. Paradise Valley, AZ 85253  
Planning Division: 480-348-3692

**PARCELS WITHIN 1,500 FT OF 6521 N 40TH PL, PARADISE VALLEY, AZ**

(from Maricopa County Assessor's Office GIS site, retrieved 2/11/25)

Parcel Number	Owner	Property Address	Mailing Address
164-03-122	WINDMILL INVESTMENTS LIMITED PARTNERSHIP	6600 N 39TH PL	8950 S 52ND ST STE 310 TEMPE AZ 85284
164-03-123	BLUMEL DAN/SOTO-BLUMEL RAQUEL	6650 N 39TH PL	6650 N 39TH PL PARADISE VALLEY AZ 85253
164-03-124	PRES3 LLC	6700 N 39TH PL	6700 N 39TH PL PARADISE VALLEY AZ 85256
164-03-125	SUZETTE KIRBY TRUST	6750 N 39TH PL	101 S PHILLIPS AVE STE 501 SIOUX FALLS SD 571046700
164-03-126	6800 N 39TH PL LLC	6800 N 39TH PL	PO BOX 50323 PHOENIX AZ 85076
164-03-127	JANE PEARSON EVANS REVOCABLE TRUST	6775 N 39TH PL	6775 N 39TH PL PARADISE VALLEY AZ 85253
164-03-128	PV RESERVE LLC	6825 N 39TH PL	7640 E VAQUERO DR SCOTTSDALE AZ 85258
164-03-129	ELITE CJ TRUST	6850 N 39TH PL	6850 N 39TH PL PARADISE VALLEY AZ 85253
164-03-138A	PARADISE RESERVE COMMUNITY ASSOCIATION		5229 N 7TH AVE 103 PHOENIX AZ 85013
164-03-143	ISAACSON FAMILY REVOCABLE LIVING TRUST	3925 E SIERRA VISTA DR	3925 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
164-03-144	MAKENA 10 LLC	3915 E SIERRA VISTA DR	125 LAKE AVE W KIRKLAND WA 98033
164-03-145	JACK R MCDADE LIVING TRUST	3905 E SIERRA VISTA DR	3905 E SIERRA VISTA DR PARADISE VALLEY AZ 85353
164-03-146	RED BARN LLC	3910 E SIERRA VISTA DR	8950 S 52ND ST STE 310 TEMPE AZ 85284
164-03-147	TEMJ LLC	3920 E SIERRA VISTA DR	8950 S 52ND ST STE 310 TEMPE AZ 85284
164-03-148	ADE NEST LLC	6550 N 39TH WAY	6550 N 39TH WY PARADISE VALLEY AZ 85253
164-03-149	SDW MANAGEMENT TRUST	6560 N 39TH WAY	3620 SHANTARA LN PLANO TX 75093
164-03-150	BOEMER SN	6570 N 39TH WAY	6570 N 39TH WY PARADISE VALLEY AZ 85253
164-03-151	BRIAN J & NANCY L TAIT JOINT REVOCABLE TRUST	6610 N 39TH WAY	6610 N 39TH WY UNIT 23 PARADISE VALLEY AZ 85253
164-03-152	KATHY F EDWARDS SURVIVOR'S TRUST	6620 N 39TH WAY	6620 N 39TH WAY 24 PARADISE VALLEY AZ 85253
164-03-153	CLARICE M SCHIELD 1989 REVOCABLE TRUST	6630 N 39TH WAY	PO BOX 309 MEDFORD WI 54451
164-03-154	GENE AND PRISCILLA APPELWICK LIVING TRUST	6640 N 39TH WAY	6640 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-155	FRANCINE REVOCABLE TRUST	6650 N 39TH WAY	6650 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-156	MILLER FAMILY TRUST	6660 N 39TH WAY	4481 N LAUNFAL AVE PHOENIX AZ 85018
164-03-157	SUZETTE KIRBY TRUST	6725 N 39TH WAY	101 S PHILLIPS AVE 501 SIOUX FALLS SD 57401
164-03-158	KOSHER ALON TODD/MICHELE MARIE	6715 N 39TH WAY	6715 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-159	JONES JAMES A/DESTINY DEDYA	6665 N 39TH WAY	6665 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-160	RIES JAMES SANDER/SN APLEY	6655 N 39TH WAY	4535 N 56TH ST PHOENIX AZ 85018
164-03-161	MCDERMOTT LOUISE	6645 N 39TH WAY	6645 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-162	HOOVER JIMMIE CHARLES	6635 N 39TH WAY	6635 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-163	STEPHEN L GREEN 2010 LIVING TRUST	6625 N 39TH WAY	6625 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-164	RON AND KRISTI ARDISSONE 2014 TRUST	6615 N 39TH WAY	6615 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-165	JEFFREY S BEYERSDORFER REVOCABLE TRUST	6605 N 39TH WAY	6605 N 39TH WAY PARADISE VALLEY AZ 85253

164-03-166	ABBOTT REVOCABLE TRUST	6575 N 39TH WAY	6575 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-167	STRITTMATTER FAMILY TRUST	6565 N 39TH	6565 N 39TH PARADISE VALLEY AZ 85253
164-03-168	COULTER RIDGE PROPERTIES LLC	6555 N 39TH WAY	6555 N 39TH WAY PARADISE VALLEY AZ 85253
164-03-169	VPR BUILDERS LLC	3955 E SIERRA VISTA DR	14746 N 78TH WAY SCOTTSDALE AZ 85260
164-03-170	SIERRA VISTA PARADISE RESERVE LLC	3965 E SIERRA VISTA DR	4800 E MOONLIGHT WAY PARADISE VALLEY AZ 85253
164-03-171	KAREN K HOWARD REVOCABLE TRUST	3975 E SIERRA VISTA DR	3975 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
164-03-172	DONALD B ROBERTS FAMILY REVOCABLE TRUST	3980 E SIERRA VISTA DR	3980 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
164-03-173	KOVAN RICHARD J	3970 E SIERRA VISTA DR	3970 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
164-03-174	DESERT VIEW PARTNERS LLC	3960 E SIERRA VISTA DR	3960 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
164-04-039	CALDWELL FAMILY TRUST	6312 N 38TH PL	6312 N 38TH PL PARADISE VALLEY AZ 85253
164-04-040A	PHILLIPS BROWN FAMILY TRUST	6402 N 38TH PL	6402 N 38TH PL PARADISE VALLEY AZ 85253
164-04-041D	JACC LIVING TRUST	6410 N 38TH PL	6410 N 38TH PL PARADISE VALLEY AZ 85253
164-04-042	SMITH CHRIS JON/JULIA	3865 E LINCOLN DR	14301 CEDAR ST LEAWOOD KS 662243751
164-04-043	COGLIANESE THOMAS M	3859 E LINCOLN DR	3800 E LINCOLN DR UNIT 47 PHOENIX AZ 850181020
164-04-044	ENZMINGER LIVING TRUST	3843 E LINCOLN DR	3843 E LINCOLN DR PARADISE VALLEY AZ 85253
164-04-050	ROACH FAMILY TRUST	3838 E STELLA LN	3838 E STELLA LN PARADISE VALLEY AZ 85253
164-04-081	FRANCES J AUSTIN REVOCABLE TRUST/MELISSA P	6203 N PARADISE VIEW DR	7502 N LAS BRISAS LN SCOTTSDALE AZ 85253-3304
164-04-084	ALLEN FAMILY TRUST	6158 N PARADISE VIEW DR	8590 E SHEA BLVD STE 110 SCOTTSDALE AZ 85260
164-04-085	GLASS JOHN F/BARBARA	6174 N PARADISE VIEW DR	6174 N PARADISE VIEW DR PARADISE VALLEY AZ 85253
164-04-086	JOHN E AND LOIS A ROGERS FAMILY TRUST	6214 N PARADISE VIEW DR	6214 N PARADISE VIEW DR PARADISE VALLEY AZ 85253
164-04-087	KEETON FAMILY TRUST	6239 N PARADISE VIEW DR	6239 N PARADISE VIEW DR PARADISE VALLEY AZ 85253
164-04-088	XIE CHAO/SUN ZHUOQUN	6219 N PARADISE VIEW DR	580 N BENSON LN CHANDLER AZ 85224
169-19-005B	JAMES REIDY SOLE AND SEPARATE PROPERTY TRU	4202 E DESERT CREST DR	4202 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-005D	KEVIN WILLIAM MURPHY AND KATHRYN M R MUR	4205 E DESERT CREST DR	4205 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-006E	BIBLE CHURCH OF GOD	4222 E LINCOLN DR	4222 E LINCOLN DR SCOTTSDALE AZ 85253
169-19-008	REBECCA JANE KEMP REVOCABLE TRUST	6515 N 43RD PL	6515 N 43RD PL PARADISE VALLEY AZ 85253
169-19-009	ESTRUTH LIVING TRUST	6531 N 43RD PL	6531 N 43RD PL PARADISE VALLEY AZ 85253
169-19-010	COZZI ALBERT	6547 N 43RD PL	6547 N 43RD PL PARADISE VALLEY AZ 85253
169-19-011	BERTACINI BRIAN/MICHELLE	6565 N 43RD PL	5291 RAFTON DR SAN JOSE CA 95124
169-19-012	CASSEL WILLIAM W/CARTHA R TR	4333 E DESERT CREST DR	4333 E DESERT CREST DR SCOTTSDALE AZ 85253
169-19-015	BURNHAM FAMILY REVOCABLE TRUST	4334 E DESERT CREST DR	4334 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-016	RUSSELL MICHAEL G/ELANA D	4320 E DESERT CREST DR	5081 LAKEHURST LN BELLVUE WA 98006
169-19-017	BORDINKO CAROLYN J	4306 E DESERT CREST DR	4306 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-018A	BLISCHOK FAMILY TRUST	4244 E DESERT CREST DR	4244 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-019A	WEISMAN ROSS/LISA	4230 E DESERT CREST DR	4230 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-020	MCDERMOTT STEVEN M/NANCY	4229 E DESERT CREST DR	4229 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-19-021	GHUMAN HINA	4243 E DESERT CREST DR	4243 E DESERT CREST DR PARADISE VALLEY AZ 85253

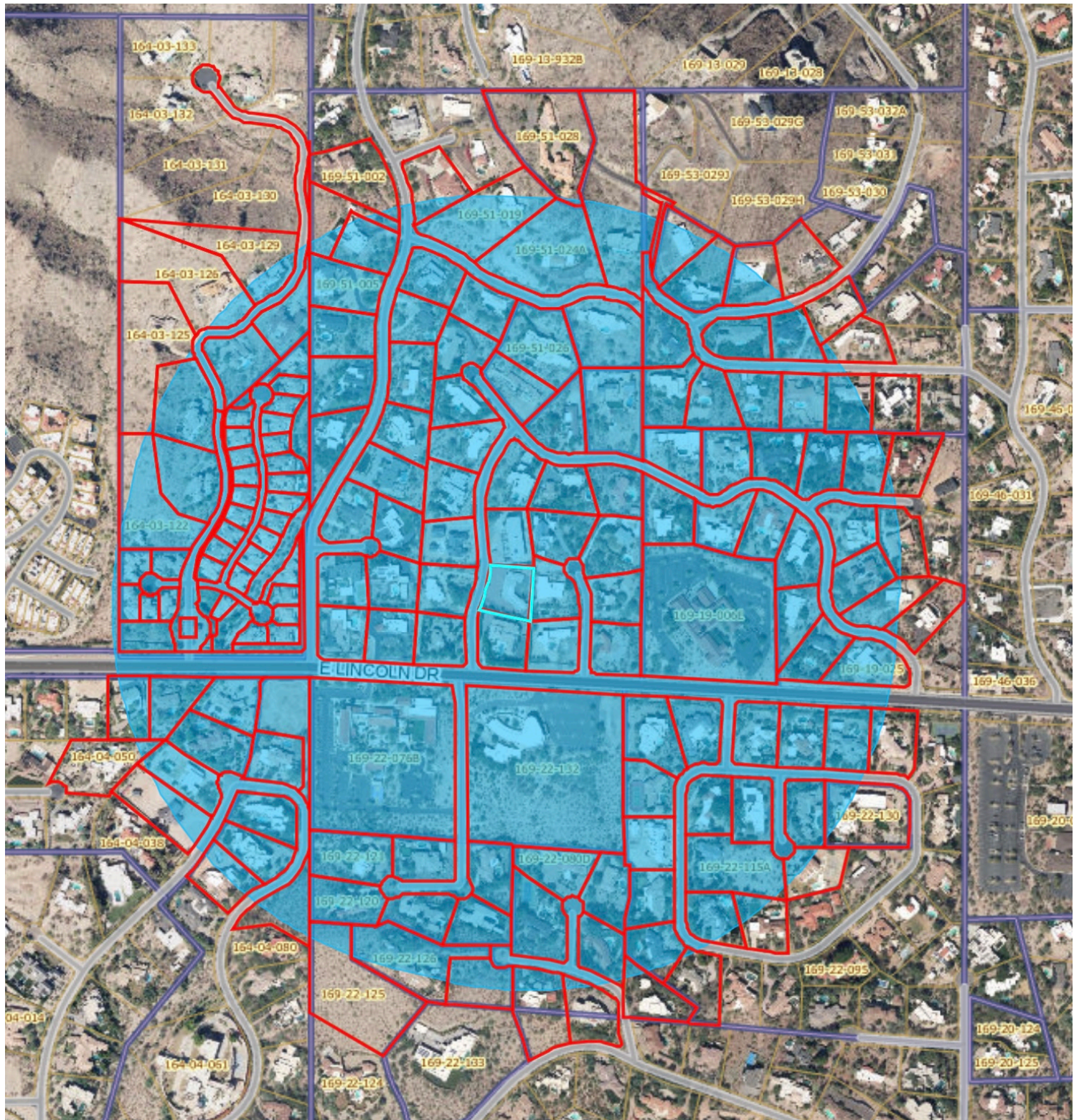
169-19-022	WASIF FAMILY REVOCABLE TRUST	6566 N 43RD PL	6566 N 43RD PL PARADISE VALLEY AZ 85253
169-19-023	SLATTERY STEVEN/SARA	6544 N 43RD PL	6544 N 43RD PL PARADISE VALLEY AZ 85253
169-19-024	SUZANNE P MONTHOFER TRUST	6534 N 43RD PL	6534 N 43RD PL PARADISE VALLEY AZ 85253
169-19-025	LONGMIRE INVESTMENTS 2 LLC	6516 N 43RD PL	340 LOOKOUT POINT DR SELAH WA 98942
169-22-072A	CATHERINE LAUBACH DICKEY TRUST	6235 N HOGAHN DR	6235 N HOGAHN DR PARADISE VALLEY AZ 85253
169-22-073A	DAVID AND SHARI PRESS LIVING TRUST	6150 N HOGAHN DR	6150 N HOGAHN DR PARADISE VALLEY AZ 85253
169-22-074A	GEIMER PAUL CHARLES/SUZANNE MARY	6175 N HOGAHN DR	6175 N HOGAHN DR PARADISE VALLEY AZ 85253
169-22-076B	CHRIST CHURCH OF THE ASCENSION	4015 E LINCOLN DR	4015 E LINCOLN DR PARADISE VALLEY AZ 85253
169-22-080C	STICKNEY FAMILY TRUST	6204 N HOGAHN CIR	6204 N HOGAHN CIR PARADISE VALLEY AZ 85253
169-22-080D	VILLAREAL ROLANDO L/AMOR C TR	6220 N HOGAHN CIR	6220 HOGAHN CIR PARADISE VALLEY AZ 85253
169-22-080G	WILLIAMS BRAD/MASSARAND KATHY M	6219 N HOGAHN CIR	6219 N HOGAHN CIR PARADISE VALLEY AZ 85253
169-22-080H	ROSS JOHN	6203 N HOGAHN CIR	6203 N HOGAHN CIR PARADISE VALLEY AZ 85253
169-22-082	ZATERMAN REVOCABLE TRUST NUMBER 1	4200 E MARLETTE AVE	25 HUNTWICK LN ENGLEWOOD CO 80113
169-22-083	JAYACHANDRAN FAMILY TRUST	4212 E MARLETTE AVE	4212 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-084	GOLDBERG STANLEY J TR/GOLDBERG LOIS ANN TI	4226 E MARLETTE AVE	4226 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-085	AL SAYDEE TRUST	4240 E MARLETTE AVE	4240 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-098	NICOLE WILLS TRUST	4201 E CLAREMONT AVE	4201 E CLAREMONT AVE PARADISE VALLEY AZ 85253
169-22-099	E & D FAMILY TRUST	6200 N 42ND ST	6200 N 42ND ST PARADISE VALLEY AZ 85253
169-22-100	LLOYD RJAY TR	6212 N 42ND ST	6212 N 42ND ST PARADISE VALLEY AZ 85253
169-22-101	MRT REVOCABLE LIVING TRUST	6228 N 42ND ST	520 W WAGON WHEEL DR PHOENIX AZ 85021
169-22-102	CHARTIER DOUG	6300 N 42ND ST	6300 N 42ND ST PARADISE VALLEY AZ 85253
169-22-103	GIMBEL NEAL I/NANCY F	6312 N 42ND ST	6312 N 42ND ST PARADISE VALLEY AZ 85253
169-22-104	WL42 LLC	6324 N 42ND ST	25255 N 90TH WY SCOTTSDALE AZ 85258
169-22-105	BOSCO MICHAEL A JR/KATHRYN G TR	6301 N 42ND ST	6301 N 42ND ST PARADISE VALLEY AZ 852533910
169-22-107	ROSENBLUM GERALD A/MARIANNE TR	6201 N 42ND ST	6201 N 42ND ST PARADISE VALLEY AZ 85253
169-22-108	LOUIS A AND RUTHIE D MORGAN TRUST	4214 E CLAREMONT AVE	4214 E CLAREMONT AVE PARADISE VALLEY AZ 85253
169-22-113	SS MISSOURI LLC	4231 E MARLETTE AVE	333 E OSBORN RD STE 300 PHOENIX AZ 850122322
169-22-114	HAENEL PHILIP SOMERS/HAENEL KAITLYN	4223 E MARLETTE AVE	4223 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-115A	GUGLIELMI JOSEPH M/BARBARA E TR	6225 N 42ND ST	6225 N 42ND ST PARADISE VALLEY AZ 85253
169-22-116	HOUSE JOHN RANDLE/PROVENZANO NICOLE DENI	4201 E MARLETTE AVE	4201 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-117	MINER THOMAS O/PAMELA M	4031 E CLAREMONT AVE	4031 E CLAREMONT ST PARADISE VALLEY AZ 85253
169-22-118	JONES STEVEN M/KELLY	4021 E CLAREMONT AVE	4021 E CLAREMONT AVE PARADISE VALLEY AZ 85253
169-22-119	APPLEBAUM 2023 VACATION TRUST	4011 E CLAREMONT AVE	419 MCMILLAN AVE WINNIPEG MB CAN R3L 0N3
169-22-120	LANFORD ROBERT A/KATHLEEN C	4001 E CLAREMONT AVE	4001 E CLAREMONT AVE PARADISE VALLEY AZ 85253
169-22-121	PROEBSTLE LIVING TRUST	4002 E CLAREMONT AVE	7 ROBB FARM RD NORTH OAKS MN 55127
169-22-122	REYNOLDS FAMILY TRUST	4012 E CLAREMONT AVE	4012 E CLAREMONT ST PARADISE VALLEY AZ 85253
169-22-125	4040 E KEIM LLC	4040 E KEIM DR	11132 N VIENTO CT FOUNTAIN HILLS AZ 85268



169-22-126	HOBBS FAMILY LIVING TRUST	6250 N HOGAHN DR	6250 N HOGAHN DR PARADISE VALLEY AZ 85253
169-22-127	HOBBS FAMILY LIVING TRUST	6201 N HOGAHN DR	6250 N HOGAHN DR PARADISE VALLEY AZ 85253
169-22-130	JOSEPH R VOLK III REVOCABLE TRUST/REGINA A V	4241 E MARLETTE AVE	4241 E MARLETTE AVE PARADISE VALLEY AZ 85253
169-22-132	UNITARIAN UNIVERSALIST CONGREGATION OF PHOENIX	4027 E LINCOLN DR	4027 E LINCOLN DR SCOTTSDALE AZ 85253
169-51-002	CARTLEDGE CHRISTOPHER J/CHARLES	6802 N 40TH ST	6802 N 40TH ST PARADISE VALLEY AZ 85253
169-51-003	RVR REAL ESTATE LLC	6664 N 40TH ST	197 WELLINGTON CIR MCMURRAY PA 15317
169-51-004	RVR REAL ESTATE LLC	6664 N 40TH ST	197 WELLINGTON CIR MCMURRAY PA 15317
169-51-005	AHIR DAYALBHAI V/SUMANBEN D TR	6644 N 40TH ST	6644 N 40TH ST PARADISE VALLEY AZ 85253
169-51-006	STEVEN ABDELMALAK TRUST	6638 N 40TH ST	6638 N 40TH ST PARADISE VALLEY AZ 85253
169-51-007	BRANDON E DALE AND LISA C DALE REV TRUST	6622 N 40TH ST	6622 N 40TH ST PARADISE VALLEY AZ 85253
169-51-008	GIANCOLA JOSEPH/BARBARA	4001 E LAMAR RD	4001 E LAMAR RD PARADISE VALLEY AZ 85253
169-51-009	JLCL FAMILY TRUST	6645 N 40TH ST	6645 N 40TH ST PARADISE VALLEY AZ 85253
169-51-010	JEFFREY STEIER AND ELIZABETH STEIER TRUST	6625 N 40TH ST	6625 N 40TH ST PARADISE VALLEY AZ 85253
169-51-011	SONORAN FAMILY TRUST	4002 E DESERT CREST DR	5024 E TURQUOISE AVE PARADISE VALLEY AZ 85253
169-51-012	ACCOMMODATION LLC	4021 E LAMAR RD	5757 S 34TH ST 100 LINCOLN NE 68516
169-51-013E	FOUNTAIN FAMILY TRUST	4060 E LAMAR RD	4060 E LAMAR DR PARADISE VALLEY AZ 85253
169-51-014A	HALFORD ROBERT JOHN ARTHUR	4055 E LAMAR RD	PO BOX 93430 PHOENIX AZ 85070
169-51-019	ILL TRUST	4002 E LAMAR RD	4002 E LAMAR RD PARADISE VALLEY AZ 85253
169-51-020	LIEBERMAN FAMILY TRUST	6801 N 40TH ST	6801 N 40TH ST PARADISE VALLEY AZ 85253
169-51-024A	ROSALIE AVERY TRUST	4044 E LAMAR RD	4044 E LAMAR RD PARADISE VALLEY AZ 85253
169-51-026	RIYAZ AR SUMAR AND KAMAL R SUMAR REVOCABLE TRUST	4039 E LAMAR RD	4039 E LAMAR RD PARADISE VALLEY AZ 85253
169-51-027	MATTHEW JASON ADLER AND SARAH FAYE ADLER	4020 E DESERT CREST DR	10420 N 77TH PL SCOTTSDALE AZ 85258
169-51-028	HEIDI LISHERNES QUALIFIED GST NON-EXEMPT TRUST	4212 E LAMAR RD	14822 N 73RD ST STE 101 SCOTTSDALE AZ 85260
169-52-001	FLIPMASTER LLC	6602 N 40TH ST	6122 E CALLE DEL PAISANO SCOTTSDALE AZ 85251
169-52-002	CARLO M KARIM AND AMY E MARKGRAF REVOCABLE TRUST	6611 N 40TH ST	6611 N 40TH ST PARADISE VALLEY AZ 85253
169-52-003	JERRY D RIGGS TRUST	6601 N 40TH ST	6601 N 40TH ST PARADISE VALLEY AZ 85253
169-52-004	SLOAN DEVIN	4002 E SIERRA VISTA DR	4002 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
169-52-005	SPENCE NATHAN A/ALEXANDRA E	4020 E SIERRA VISTA DR	4020 E SIERRA VISTA DR PARADISE VALLEY AZ 85253
169-52-006	HUNTER WILLIAM C	4015 E SIERRA VISTA DR	PO BOX 68282 OAK GROVE OR 97267
169-52-007	BHAT PRADEEP/DEEPTI	6543 N 40TH ST	6543 N 40TH ST PARADISE VALLEY AZ 85253
169-52-008	SALEM S HENRY/KHALIL RANYA	6501 N 40TH ST	6501 N 40TH ST PARADISE VALLEY AZ 85253
169-52-009	DANIEL M AND ZULEMA M DOZIER LIV TRUST	4020 E LINCOLN DR	4020 E LINCOLN DR PARADISE VALLEY AZ 85253
169-52-010	ZRVINCIC REVOCABLE LIVING TRUST	6504 N 40TH PL	6504 N 40TH PL PARADISE VALLEY AZ 85253
169-52-011	REICHMAN SN R	6520 N 40TH PL	6520 N 40TH PL PARADISE VALLEY AZ 85253
169-52-012	MAY CHRISTOPHER/BARBARA	6536 N 40TH PL	6536 N 40TH PL PARADISE VALLEY AZ 85253
169-52-013	UR INVESTMENTS LLC	6554 N 40TH PL	6417 E GRANT RD TUCSON AZ 85715
169-52-014	HEK TRUST	6566 N 40TH PL	3104 E CAMELBACK RD UNIT 702 PHOENIX AZ 85016

169-52-015	DEAKIN JOHN G/LINDA C TR	4009 E DESERT CREST DR	4009 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-52-017	BOROVAY JOEL/DANIEL DONA DIAN TR	4030 E DESERT CREST DR	4030 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-52-018	DANIELS ALAN U/SUZANNE R	4031 E DESERT CREST DR	4031 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-52-019	UR INVESTMENTS LLC	6535 N 40TH PL	4020 N 20TH ST STE 100 PHOENIX AZ 85016
169-52-020	AMIN YOGESH R	6521 N 40TH PL	11000 N 130TH PL SCOTTSDALE AZ 85259
169-52-021	TULI PARAMVIR SINGH/PRITPAL KAUR	6501 N 40TH PL	6501 N 40TH PL PARADISE VALLEY AZ 85253
169-52-022	KISS COUPLE TRUST	4070 E LINCOLN DR	4070 E LINCOLN DR PARADISE VALLEY AZ 85253
169-52-023	ALWAY MARK D	6520 N 41ST ST	6520 N 41ST ST PARADISE VALLEY AZ 85253
169-52-024	BUSTOS ANDRES E/RITA J	6538 N 41ST ST	6538 N 41ST ST PARADISE VALLEY AZ 85253
169-52-025	TAYLOR WILLIAM H/JOHNSON LORI	4045 E DESERT CREST DR	4045 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-52-026	TNK TRUST	4051 E DESERT CREST DR	4051 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-52-027	ILEANA ORLICH FAMILY TRUST	6533 N 41ST ST	6533 N 41ST ST PARADISE VALLEY AZ 852533939
169-52-028	LDK TRUST	6519 N 41ST ST	6519 N 41ST ST PARADISE VALLEY AZ 85253
169-52-029	HTH REVOCABLE TRUST	6501 N 41ST ST	6501 N 41ST ST PARADISE VALLEY AZ 85253
169-52-030	BENJAMIN IVOR/AMY W	4050 E DESERT CREST DR	4050 E DESERT CREST DR PARADISE VALLEY AZ 85253
169-53-002	WITTENBERG RON	4329 E HIGHLANDS DR	4329 E HIGHLANDS DR PARADISE VALLEY AZ 852533254
169-53-003A	GREGORY P SALTZ REVOCABLE LIVING TRUST	4315 E HIGHLANDS DR	4315 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-004A	OLSCHANSKY FAMILY TRUST	4301 E HIGHLANDS DR	4301 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-005	LIEBERMAN AARON OSCAR LEWIS/JAMIE	4237 E HIGHLANDS DR	4237 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-006	OLSCHANSKY FAMILY TRUST	4223 E HIGHLANDS DR	4301 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-007	RILEY JOE TR	4217 E HIGHLANDS DR	3106 N 16TH ST PHOENIX AZ 85016
169-53-008	LEVITT THOMAS I/MARGARET W	4211 E HIGHLANDS DR	4211 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-011	BROWN H STEVAN	6810 N HIGHLANDS DR	6810 N HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-012	JANE MARIE WESTHOFF TRUST	6824 N HIGHLANDS DR	316 41ST ST WESTERN SPRINGS IL 60558
169-53-022	RAY REBA/BASUDEB/ANITA	6827 N HIGHLANDS DR	6827 N HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-023A	SCHIFFENHAUS REVOCABLE TRUST	4302 E HIGHLANDS DR	4302 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-024A	SAYARE MITCHEL/CHRISTINA KAZIS	4242 E HIGHLANDS DR	4242 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-025	HEAVEY SEASTONE FAMILY REVOCABLE TRUST	4320 E HIGHLANDS DR	4320 E HIGHLANDS DR PARADISE VALLEY AZ 85253
169-53-029N	RIVERHOUSE FAMILY TRUST		10009 SE EVERGREEN HWY VANCOUVER WA 98664
169-53-038	DELAPP JEFFERY J	4208 E LAMAR RD	6831 E JOAN DE ARC AVE SCOTTSDALE AZ 85254
169-53-039	4228 HIGHLANDS LLC	4228 E HIGHLANDS DR	6038 E HIGHLANDS DR PARADISE VALLEY AZ 85253













# COMMUNITY DEVELOPMENT DEPARTMENT

## AFFIDAVIT OF MAILING NOTIFICATION

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA       )  
                                      ) ss:  
County of Maricopa       )

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that all the property owners within 1,500 feet of the property, as obtained from the Maricopa County Assessor's Office on 3/10/25, for the proposed variance has been mailed on the following date APRIL 7<sup>th</sup>, 20 25.

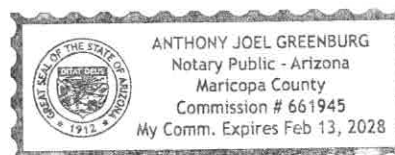
(This property list shall not be older than thirty (30) days at the time of filing of the application).

The foregoing instrument was acknowledged by me this 8<sup>th</sup> day of April, 20 25, by Victor Sidy.  
Name

[Signature]  
NOTARY PUBLIC

My commission expires:

02/13/2028





# COMMUNITY DEVELOPMENT DEPARTMENT

## AFFIDAVIT OF POSTING

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA )  
 ) ss:  
 County of Maricopa )

I, VICTOR SIDY, depose and state that the attached notice,  
 of proposed application 6521 N 40TH PLACE located at  
6521 N 40TH PLACE for the Board of Adjustment meeting date of  
Wed, May 7th, 20 25 is  
 a true and correct copy of a notice which I cause to be posted by the following day of the  
 week TUESDAY  
 and on the following date APRIL 8TH, 20 25 in the following location(s):

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public  
 places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this 8th day of April, 20 25.

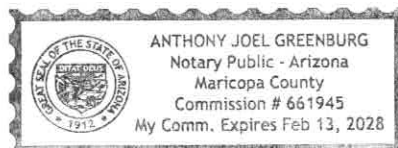
Signature

This affidavit was Subscribed and sworn to before me on this 8th day of  
April, 20 25.

NOTARY PUBLIC

My commission expires:

02/13/2028







**NOTICE OF HEARING**  
TOWN OF PARADISE VALLEY  
Board of Adjustment and Appeals  
6401 E. Lincoln Drive, Paradise Valley, AZ  
5:30 O'CLOCK THURSDAY, MAY 2, 2025  
Notice is hereby given that the Board of Adjustment and Appeals of the Town of Paradise Valley, Arizona, will hold a public hearing at 5:30 o'clock on Thursday, May 2, 2025, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, AZ, 85253 for the following:

**PLACED HEARING:**  
Zoning Ordinance, Article 8, Height and Area Regulations, to allow a new single-family residence to encroach beyond the side setback height limits. The property is located at 6521 N. 42nd Place (Assessor's Parcel Number 169-02-025).

If you have questions about this application, please call Denise Petherick at 480-948-3625 or email dpetherick@paradisevalleyaz.gov.  
**PENALTY FOR NOT ATTENDING HEARING:** \$500.00  
CASE NO. 169-02-025



Dear Town of Paradise Valley Board of Adjustment,

The new owners of 6521 N 40<sup>th</sup> Place, Paradise Valley have shared with us with their plans for a new home on the property immediately north of our home on 40th Place. We understand that they would like to build a modern home on that lot and will need a variance for roof heights that exceed what is allowed.

Based on our review of the plans (dated February 2025), we are in support of their request, as we believe that the new home will improve our neighborhood. We do not have concerns about the height of the roofs, as they will have no real impact on our house or property, especially considering the tall plantings between our two lots. We are especially happy that they would eliminate the driveway that is directly next to our home.

My wife & I are looking forward to having the lovely Amin family as our neighbors.

Thank you,

A handwritten signature in black ink, appearing to read 'Paramvir Tuli', with a large, stylized loop at the end.

Paramvir Tuli





**From:** [George Burton](#)  
**To:** [Chad Weaver](#); [Paul Michaud](#); [Brandon McMahon](#); [Cherise Fullbright](#)  
**Bcc:** [Board Chair Hope Ozer](#); [Board Member Bill Petsas](#); [Board Member Eric Leibsohn](#); [Board Member James Kuykendall](#); [Board Member Joseph Contadino](#); [Board Member Ken Barnes](#); [Board Member Quinn Williams](#)  
**Subject:** FW: Variance Request 6521 N 40th Place  
**Date:** Tuesday, May 6, 2025 11:45:00 AM  
**Attachments:** [Map view 6521 N 40th Pl.pdf](#)  
[View of 6521 N 40th Pl.pdf](#)

---

Dear Chair and Board Members (Bcc),

Please reference the comments below regarding the variance request at 6521 N 40<sup>th</sup> Pl.

Please let me know if you have any questions.

**George Burton**

*Senior Planner*

Community Development Department

6401 E. Lincoln Drive

Paradise Valley, AZ 85253

O – 480-348-3525

[gburton@paradisevalleyaz.gov](mailto:gburton@paradisevalleyaz.gov)

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**From:** William Hunter [REDACTED]  
**Sent:** Monday, May 5, 2025 5:28 PM  
**To:** George Burton <[gburton@paradisevalleyaz.gov](mailto:gburton@paradisevalleyaz.gov)>  
**Subject:** Variance Request 6521 N 40th Place

External email: use caution with links & attachments

Mr. Burton -

I am writing with regard to the variance request for the property at 6521 to have roof lines and elevations in excess of the Town's Code. My family and I object to the variance request in the strongest possible terms.

Our property is located at [REDACTED], directly west of the subject property. (See

map view attachment.) The property between the two parcels (6520 N 40th Place) is several feet lower, so the subject property is prominently and directly visible from all of our home's eastern exposures as well as two of our outside decks. The current improvements are, I believe, 16 feet in height and represent a low rise ranch style house that is typical of the area and was designed to blend into the desert landscape.

Since the subject is situated at the top of a small hill it is substantially above street level. Given the height of the land, even the current 16 foot high improvements dominate our views to the east and essentially block any views of the eastern horizon. (See attached picture of the subject from our dining room.)

Even if the proposed improvements are limited to the 24 foot height allowed by Town Code the new structure will have a dramatic, intrusive, and negative effect on our eastern views.

Granting a variance for heights above 24 feet would cause substantial additional degradation, intrusion and domination of our views. It would also be noticeably out of step with the elevations of other homes in the area, including several recent newly constructed homes that had no problem creating beautiful, spacious homes while working within the 24 foot building height.

We see no need for the subject property to exceed the height limits established in the Town Code. We strongly object to the requested variance and urge the Board of Adjustment to deny the application.

Sincerely,

William Hunter

A solid black rectangular box used to redact the signature of William Hunter.









N 40TH PL

6521 N 40th  
Place



**From:** [George Burton](#)  
**To:** [Paul Michaud](#); [Brandon McMahon](#); [Chad Weaver](#); [Cherise Fullbright](#)  
**Bcc:** [Board Chair Hope Ozer](#); [Board Member Bill Petsas](#); [Board Member Eric Leibsohn](#); [Board Member James Kuykendall](#); [Board Member Joseph Contadino](#); [Board Member Ken Barnes](#); [Board Member Quinn Williams](#)  
**Subject:** Public Comment - 6521 N 40th Pl  
**Date:** Wednesday, April 30, 2025 9:35:00 AM

---

Dear Chair and Board Members (bcc),

Below is public comment regarding variance case BA-25-02 at 6521 N 40<sup>th</sup> Place.

Please let me know if you have any questions.

**George Burton**

*Senior Planner*

Community Development Department

6401 E. Lincoln Drive

Paradise Valley, AZ 85253

O – 480-348-3525

[gburton@paradisevalleyaz.gov](mailto:gburton@paradisevalleyaz.gov)

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**From:** noreply@granicusideas.com <noreply@granicusideas.com>  
**Sent:** Tuesday, April 29, 2025 4:29 PM  
**To:** Duncan Miller <dmiller@paradisevalleyaz.gov>; George Burton <gburton@paradisevalleyaz.gov>; Cherise Fullbright <cfullbright@paradisevalleyaz.gov>  
**Subject:** New eComment for Board of Adjustment on 2025-05-07 5:30 PM

**External email: use caution with links & attachments**

[Paradise Valley, AZ](#)

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New eComment for Board of Adjustment on 2025-

# 05-07 5:30 PM

John Clifford submitted a new eComment.

Meeting: Board of Adjustment on 2025-05-07 5:30 PM

Item: C. 25-075 Discussion and Possible Action on Case No. BA-25-02 Amin Variance - 6521 N. 40th Place (APN 169-52-020) Variance to allow a new single-family residence to encroach beyond the allowable height limits.

eComment: I strongly oppose this request. One owner (the Applicant) exceeding the height limit impacts many others in a negative way. Views of the mountains and the sky are unnecessarily blocked by the excess structure height. The nature and feel of the neighborhood, one or air, space and openness, is impacted. This request will infringe badly on the rights of neighbors and the public to enjoy this great area and neighborhood. There is no countervailing benefit to the Applicant to offset the harm here.

[View and Analyze eComments](#)

This email was sent from <https://paradisevalleyaz.granicusideas.com>.

[Unsubscribe](#) from future mailings

**From:** [George Burton](#)  
**To:** [Paul Michaud](#); [Chad Weaver](#); [Cherise Fulbright](#); [Brandon McMahon](#)  
**Bcc:** [Board Chair Hope Ozer](#); [Board Member Bill Pelsas](#); [Board Member Eric Leibsohn](#); [Board Member James Kuykendall](#); [Board Member Joseph Contadino](#); [Board Member Ken Barnes](#); [Board Member Quinn Williams](#)  
**Subject:** FW: Variance hearing at 6521 N 40th Place, PV  
**Date:** Thursday, May 1, 2025 9:57:00 AM  
**Attachments:** [image001.jpg](#)

---

Dear Chair and Board Members (Bcc),

Below, for reference, is correspondence between the applicant for 6521 N 40<sup>th</sup> Pl and one of the neighboring property owners.

Please let me know if you have any questions.

**George Burton**  
*Senior Planner*  
Community Development Department  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253  
O – 480-348-3525  
[gburton@paradisvalleyaz.gov](mailto:gburton@paradisvalleyaz.gov)

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**From:** Victor Sidy [REDACTED] >  
**Sent:** Thursday, May 1, 2025 9:23 AM  
**To:** George Burton <[gburton@paradisvalleyaz.gov](mailto:gburton@paradisvalleyaz.gov)>  
**Subject:** Fwd: Variance hearing at 6521 N 40th Place, PV

External email: use caution with links & attachments

George,

Thanks for sending the agenda with the link to download the report. Good report in general, despite our differences in opinion.

Regarding the public comment that you had forwarded to me, did you get any address of the person who made the comment? It seemed to be a generic comment about not supporting any increase roof heights in general, without the context of the project, or how it would impact that specific person. It also appears that the person has (or had) an address on the far East side of PV, no where close to this neighborhood.

I did want to let you know that two other neighbors reached out to me. One (Francine) was further away [REDACTED] and mostly just curious about what we were doing; we spoke by phone and determined that she wouldn't be impacted at all by the project. More significantly, though, were the residents at [REDACTED], just to the northwest of our clients' property. In our analysis, their property would be impacted more than most other neighbors. I'm providing our email exchange with them and should also note that if we were to shift the house further west and north (to avoid the LNG control point at the SE side of the building), doing so could negatively impact the views of those neighbors more than our current proposal.

In any case, I'll let you know if we receive any further correspondence from neighbors, and we'll see what shakes out at the meeting next week.

Best, Victor

Victor E. Sidy, AIA LEED AP | 480.688.5599 | [REDACTED]

Begin forwarded message:

**From:** CC May [REDACTED] >  
**Subject:** Re: Variance hearing at 6521 N 40th Place, PV  
**Date:** April 17, 2025 at 11:42:20 AM MST  
**To:** Victor Sidy [REDACTED]  
**Cc:** Barbara May [REDACTED]



Thank you, that's very helpful for visualization of what you are planning. I was hoping it wasn't another very large boxy house like some of our other neighboring parcels, and it doesn't seem so. We will still try to attend the meeting, but if it works out like you have sketched here, I can't see how that would be too objectionable for us.

-ccm

On Mon, Apr 14, 2025 at 7:14 PM Victor Sidy [REDACTED] > wrote:

Chris,

Thanks for reaching out regarding this project. Your photo is very helpful to give us a feel for your vantage point and your concerns.

Based on the photo, it appears that the portion that we're requesting a variance for would not affect your view of Camelback – those portions are more towards the south and east of the property – to the right of the mountain. The portion of the proposed roof that would be between your house and Camelback is actually proposed to be relatively low (13'-6" maximum above the floor elevation, which is roughly the same level as the existing house). I'm attaching some plans and elevations per your request, as well as an overlay of the silhouette of the house on the photo you sent. This overlay is approximate, based on projections from our 3d model.

Hopefully this helps explain our intent for the project; the main reason why the variance is required is that the Town measures total height of the house from the "lowest natural grade below improvements" (which in this case is on the SE corner of the house), and from the setback lines. Both of these benchmarks handicap the project's height limits; therefore the need for a variance.

Let me know if you have further questions; again, thanks for your email.

Regards, Victor



Victor E. Sidy, AIA LEED AP [REDACTED]

On Apr 14, 2025, at 2:21 PM, Christopher May [REDACTED] > wrote:

Hello Victor,

I am a neighbor of the property mentioned above. My wife and I live across the street at [REDACTED]

We got a notification that you are requesting a hearing next month for a variance to allow you to exceed the town's height restrictions. I am curious to learn what you are proposing, as it might impact our view of Camelback Mountain, as you can see from the enclosed photograph taken from our front doorway.

Do you have any site plans and elevations showing what you are contemplating, and documenting how high above grade level you propose to build?

Thanks,

-ccm

[REDACTED]  
[REDACTED]

<IMG\_1461.jpeg>



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes – Draft

### Board of Adjustment

*Chair Eric Leibsohn*  
*Boardmember Ken Barnes*  
*Boardmember Joseph Contadino*  
*Boardmember James Kuykendall*  
*Boardmember Hope Ozer*  
*Boardmember Bill Petsas*  
*Boardmember Quinn Williams*

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Wednesday, May 7, 2025

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:30 PM.

#### **STAFF MEMBERS PRESENT**

Town Attorney John Gaylord  
Community Development Director Chad Weaver  
Senior Planner George Burton  
Town Planner II Brandon McMahon  
Lead Management Specialist Cherise Fullbright

#### 2. ROLL CALL

**Present –** Chair Eric Leibsohn  
Boardmember Ken Barnes  
Boardmember Joseph Contadino  
Boardmember James Kuykendall  
Boardmember Hope Ozer  
Boardmember Bill Petsas  
Boardmember Quinn Williams

#### 3. EXECUTIVE SESSION

#### 4. STUDY SESSION ITEMS

#### 5. PUBLIC HEARINGS

- A. 25-039 Discussion and Possible Action on Case No. BA-25-05**  
**Tamplen Variance – 5211 N Quail Run PI (APN 173-18-012)**  
**Variance to exceed the maximum allowable floor area ratio (FAR)**  
**limit**

Mr. McMahon presented the item, which was continued from the April 2<sup>nd</sup> meeting date due to a posting error. He displayed a vicinity map showing the location of the property, then



discussed current site conditions, history, and the scope of the request. Mr. McMahon shared details of the request including a site plan, a survey of the lot, exterior building elevations, and public comment. He stated that staff's analysis found no size, shape, or topographical hardships that prohibit compliance and staff is therefore recommending denial.

Boardmember Ozer asked if the request was to replace the existing ramada or approve what has already been built. She confirmed that the other awnings on the property were included in the overall Floor Area Ratio (FAR) calculation.

Mr. McMahon advised that the request was to approve the current pool ramada which was built without permits, so that it may remain in place.

Matthew Tamplen, the property owner, introduced himself and his contractor Taylor Rab. Mr. Tamplen spoke about the design of the home, size of the lot, FAR calculations completed by a surveyor, and his interpretation.

Mr. Rab talked about changes within his company and the permitting process in Paradise Valley. He requested grace so he and Mr. Tamplen could move forward to correct the unpermitted structure.

Boardmember Petsas asked if the easement impacted FAR and was informed by staff it did not.

Boardmember Barnes asked if the pool was a new construction. He wondered if the unpermitted ramada was built in conjunction with other permitted improvements on the site, and if the ramada was on the permitted plans.

Mr. Rab clarified that a new unattached spa was built, and he believed the ramada was included on those plan drawings but an application was not filed.

Mr. Tamplen talked about previous communications with staff related to FAR data and a carport.

Boardmember Barnes asked if the carport, which was removed, was built without permits, and it was confirmed the carport was built without permits.

Boardmember Ozer responded to Mr. Tamplen's comments about staff. Her response was echoed by Chair Leibsohn.

Boardmember Williams asked how much smaller the ramada would need to be to fix the issue. He was curious if the ramada needed to be removed or could be reduced in size.

Mr. McMahon confirmed there was 40 sq ft to work with.

Boardmember Petsas wondered if other coverage options were explored.

Chair Leibsohn opened the public comment at 6:10 PM.

Kathleen Clifford, a neighbor, spoke against the variance request. She spoke briefly about the history of the lot, as she has been a resident in the neighborhood for some time.

Amy Isaacs, a resident in the area, spoke in opposition to the variance request. She mentioned a previous remodel done to the property.

Chair Leibsohn closed the public comment at 6:15 PM.

Boardmember Ozer asked about FAR discrepancies.

Mr. McMahon confirmed the FAR discrepancy was between the Town measurements and the applicant measurements.

Boardmember Petsas asked what would happen if the variance was denied.

Mr. Burton advised that if the variance request was denied, the structure or a portion of the structure would need to be removed.

Boardmember Barnes talked about the removal of overhangs from the house as a solution to balance the structure.

Mr. McMahon confirmed that the existing structure could be modified to remove overhangs to make FAR work.

Boardmember Ozer shared her intent to deny the motion.

Chair Leibsohn asked about the authority of Board.

John Gaylord advised that the Board does not have authority to make a decision based on a permit or lack of permit. He reminded the Board that their decision should be focused on physical characteristics of the property, regardless if a permit was obtained or not. He reiterated that the Board's vote should be based on the variance criteria.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Contadino, to deny item 25-039. The motion failed by the following vote:**

**Aye:** 3 – Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall,

**Nay:** 4 – Chair Leibsohn, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

Chair Leibsohn suggested another motion be made.

**A motion was made by Boardmember Ozer, seconded by Boardmember Williams, to approve item 25-039 subject to stipulations. The motion carried by the following vote:**

**Aye:** 5 – Chair Leibsohn, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Nay:** 2 – Boardmember Barnes, Boardmember Kuykendall

Boardmember Ozer briefly addressed Mr. Tamplen.

**B. 25-098 Discussion and Possible Action on Case No. BA-25-01  
Fishman Variance – 6650 E Meadowlark Lane (APN 174-51-021)  
Variance to allow a detached garage to encroach into the side  
yard setback**

Mr. Burton presented the item. He showed a vicinity map and aerial view of the property, then spoke about site conditions, history of the lot, and details of the request. He also showed site plans and elevations to display the location of the garage. Mr. Burton shared

that staff's analysis found no property hardships, so denial is recommended. He briefly addressed public comments.

Boardmember Williams questioned if there was a height issue with the original application, and Mr. Burton stated there was no height issue.

The applicant, Matthew Fishman, was introduced by his representative Kaylee Smith. Ms. Smith presented the item.

Boardmember Kuykendall asked what kind of vehicle would be going in the garage.

Ms. Smith stated the garage would house a large sprinter van and truck.

Chair Leibsohn addressed the visual impact mentioned by Ms. Smith. He asked her thoughts on there being a lack of greenery for shielding in the proposed area.

Ms. Smith shared an intention for additional hedges and greenery in the area.

Boardmember Kuykendall pointed out the walkway between the garage and guest house. He asked if the garage could be moved closer to the guest house.

Ms. Smith stated that code required 10 feet between an accessory unit and existing primary structure.

Boardmember Contadino commented that the structure would visually impact the houses at the end of the cul-de-sac. He expressed additional concern with the structure being more than a garage based on the size.

Ms. Smith stated that originally, they had wanted to add a bathroom and use the space as a gym, but those plans have been removed. She spoke about the garage, currently designed to house two vehicles.

Boardmember Barnes pointed out the setbacks necessary for the attached casita, and its height. He also addressed an earlier statement about hiding the sprinter van and asked if a motorhome could be parked on the street.

Mr. Burton confirmed that although the roof lines appeared to be connected to the primary home, the guest house was a detached accessory structure. He briefly noted setbacks for a detached accessory structure. He informed the Board that a motorhome would need to be parked and screened in the side or rear yard, it could not be parked on the street.

Chair Leibsohn opened and closed the public comment at 6:53 PM.

**A motion was made by Boardmember Ozer, seconded by Boardmember Kuykendall, to deny item 25-098. The motion carried by the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,



**C. 25-075 Discussion and Possible Action on Case No. BA-25-02  
Amin Variance – 6521 N. 40<sup>th</sup> Place (APN 169-52-020)  
Variance to allow a new single-family residence to encroach  
beyond allowable height limits**

Mr. Burton presented the item. He started by displaying an aerial photo of the R-43 lot, then discussed the background, scope of the request, history, site conditions, and public comments. Mr. Burton shared details related to the height encroachments, showed elevations, renderings and cross sections to display the slope of the lot. He addressed the staff analysis, noting that approval was being recommended.

Victor Sidy, the project architect, presented the item. He discussed Lowest Natural Grade (LNG) on the property, height encroachments, and the butterfly design.

Boardmember Contadino pointed out the raised building pad of the property and asked about visual impact on the neighborhood.

Mr. Sidy showed the contours of the site and discussed potentially reducing the pad height.

Commissioner Kuykendall commented on the height limits which are not only there for views but also to prevent imposing structures.

Mr. Sidy noted that height was measured from the LNG on the site. He explained that the spirit of the Hillside ordinance was used to dictate what he felt was an appropriate massing for this project. He further explained that the house was setback an additional 20 feet further than what was required, due in part to avoid some of the extreme contours on the site and to diminish the impact of a high roof.

Modifications to the design were discussed amongst the Board and Mr. Sidy.

Chair Leibsohn opened the public comment at 7:29 PM

Christopher May, a resident, spoke in favor of the variance request.

Paramuir Tuli, a resident, spoke in favor of the variance request.

Chair Leibsohn closed the public comment at 7:33 PM

After being asked by Boardmember Ozer, Mr. Sidy expressed his preference to continue the item.

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to continue item 25-075 to the June 4, 2025 meeting date. The motion carried by the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,

Boardmember Ozer asked questions about the procedure for a continuance.

**Recess 7:37 PM**

**Reconvened 7:52 PM**

**D. 25-083 Discussion and Possible Action on Case No. BA-25-03  
Jellies Variance – 5204 N 70<sup>th</sup> Place (APN 173-18-028)  
Variance to allow a pool and spa to encroach into the setback**

Mr. Burton presented the item. He showed a vicinity map and aerial photo, then discussed conditions and details of the R-18A parcel as well as the variance history. Mr. Burton addressed the scope of the request, the shallow depth of the lot, and alleyway. He noted public comment had been received and staff is recommending approval.

Chair Leibsohn asked if there were plans to abandon the alleyway or it would remain forever.

Boardmember Contadino pointed out that the alleyway did not appear to be evenly split between properties.

Mr. Burton was unaware of future plans for the alleyway. He shared alleyway details and explained it was separately dedicated. The alleyway setback was discussed amongst the Board and staff.

Ben Tate, the attorney for Property Owner Rick Jellies, presented the item. He shared the site history and an overview, as well as special circumstances, relevant to the variance request.

Chair Leibsohn asked about the dimension between the existing covered patio and the proposed pool. He wondered if this dimension was considered the minimum distance needed to make the area feasible.

Property Owner Rick Jellies spoke about the 6.5-foot walkway, and his need to remove some trees to make enough space between the home and pool.

Chair Leibsohn opened the public comment at 8:17 PM

Kathleen Clifford, a resident, spoke in favor of the variance request.

Fred Ayub, a neighbor, spoke in favor of the variance request.

Chair Leibsohn closed the public comment 8:21 PM

Chair Leibsohn asked if the other structures displayed on the plans were included in this request. He was informed that the other structures were on the plans for reference only.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Petsas, to approve item 25-083 subject to stipulations. The motion carried by the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember William

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. 25-089 Approval of April 2, 2025 Board of Adjustment Minutes.**

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to approve the April 2, 2025 Board of Adjustment Minutes as presented. The motion carried with the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

## **8. STAFF REPORTS**

## **9. PUBLIC BODY REPORTS**

## **10. FUTURE AGENDA ITEMS**

Mr. Burton shared that two items were expected for the June 4<sup>th</sup> meeting date, potentially four.

Boardmember Ozer stated she would be out of Town and suggested she appear electronically.

Chair Leibsohn was in favor of an exception, allowing Boardmember Ozer to appear electronically for the June meeting.

Miss Fullbright noted that a joint training session with the Planning Commission was tentatively scheduled for the evening of July 15<sup>th</sup>.

## **11. ADJOURNMENT**

**A motion was made by Chair Leibsohn, seconded by Boardmember Ozer, to adjourn the meeting at 8:30 PM. The motion carried with the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Cherise Fullbright, Secretary

DRAFT



# TOWN OF PARADISE VALLEY

Case BA-25-02

6521 N 40<sup>th</sup> Place

New Single-Family Residence  
Height Variance

**Board of Adjustment  
June 4, 2025**



## TODAY'S GOAL

---

- Review and take action on variance request:
  - New single-family home to encroach beyond height limits
- Background:
  - Previously reviewed at the May 7<sup>th</sup> meeting
  - Continued to June 4<sup>th</sup>
  - Applicant reduced amount of height encroachment



June 4, 2025

# AGENDA

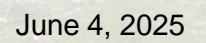
- Background
- Scope of Request
- Analysis & Recommendation
- Action



June 4, 2025

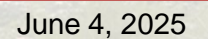









- Zoned R-43
- 37,987 sq ft (0.87 acres)
- Square shaped lot
- 219' wide & 194' deep
- 7.25% site slope
- Terrain slopes upwards from street with approx. 17' of grade difference



# HISTORY

---

- Lot 35 Lincoln Heights
- Platted in Maricopa County in 1959
- Original house built in 1969
- Annexed into Town in 1982
- Proposed height encroachments for new single-story house



June 4, 2025







## SCOPE OF REQUEST

---

- Height Encroachments for new SFR:
  - Encroaches beyond 24' height limit:
    - 27.5' max proposed height
    - 13.6% (1,275 sq ft) of house beyond 24' height limit
  - Encroaches beyond Open Space Criteria height limit:
    - Varies from 18.6' to 26.7'
    - 8.0% (753 sq ft) of house beyond OSC height limit

June 4, 2025





## SCOPE OF REQUEST (CONT.)

	Zoning Ordinance	New SFR
Front Yard Setback	40'	58'4"
North Side Yard Setback	20'	22' (+/-)
South Side Yard Setback	20'	20'
Rear Yard Setback	40'	40'
Maximum Overall Height	24'	27.5' (13.6% of roof)
Open Space Criteria	16' to 24'	18.6' to 26.7' (8.0% of roof)
Floor Area Ratio Limit	25.0%	24.6%
Hillside Designation	10% slope or greater	2.5% Building Pad Slope 7.25% Property Slope



June 4, 2025



# COMPARISON OF REQUESTS

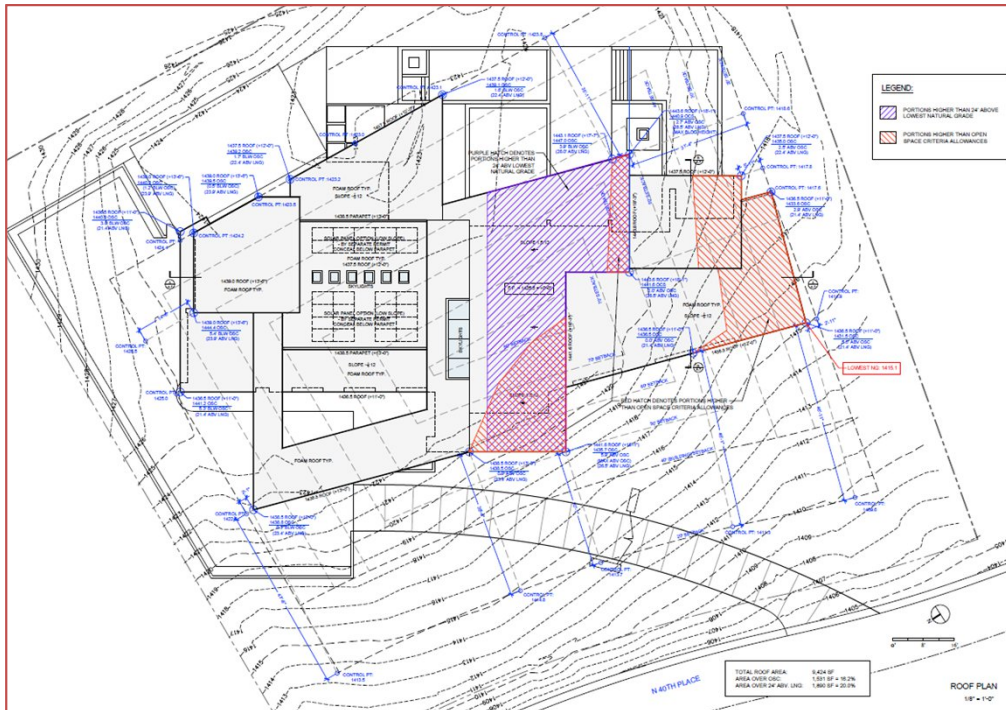
	Original Request	Proposed Request
Front Yard Setback	58'4"	58'4"
North Side Yard Setback	22' (+/-)	22' (+/-)
South Side Yard Setback	20'	20'
Rear Yard Setback	40'	40'
Maximum Overall Height	28.5' (20.0% of roof)	27.5' (13.6% of roof)
Open Space Criteria	19.3' to 27.9' (16.2% of roof)	18.6' to 26.7' (8.0% of roof)
Floor Area Ratio Limit	24.8%	24.6%
Hillside Designation	2.5% Building Pad Slope 7.25% Property Slope	2.5% Building Pad Slope 7.25% Property Slope



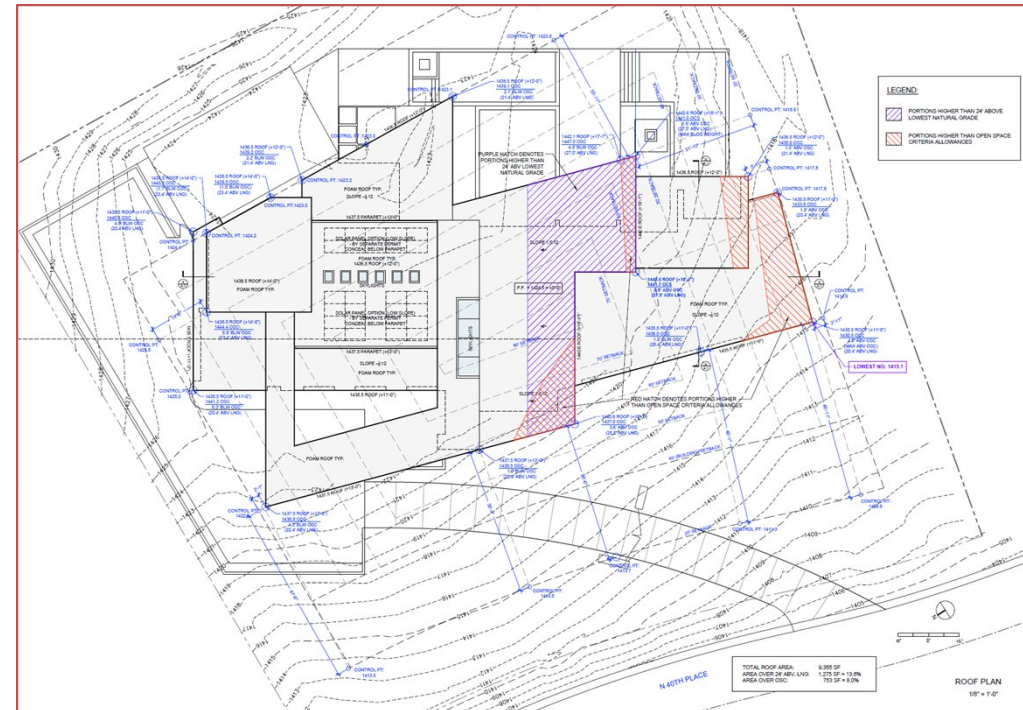
June 4, 2025



# COMPARISON OF REQUESTS (CONT.)



Original Request

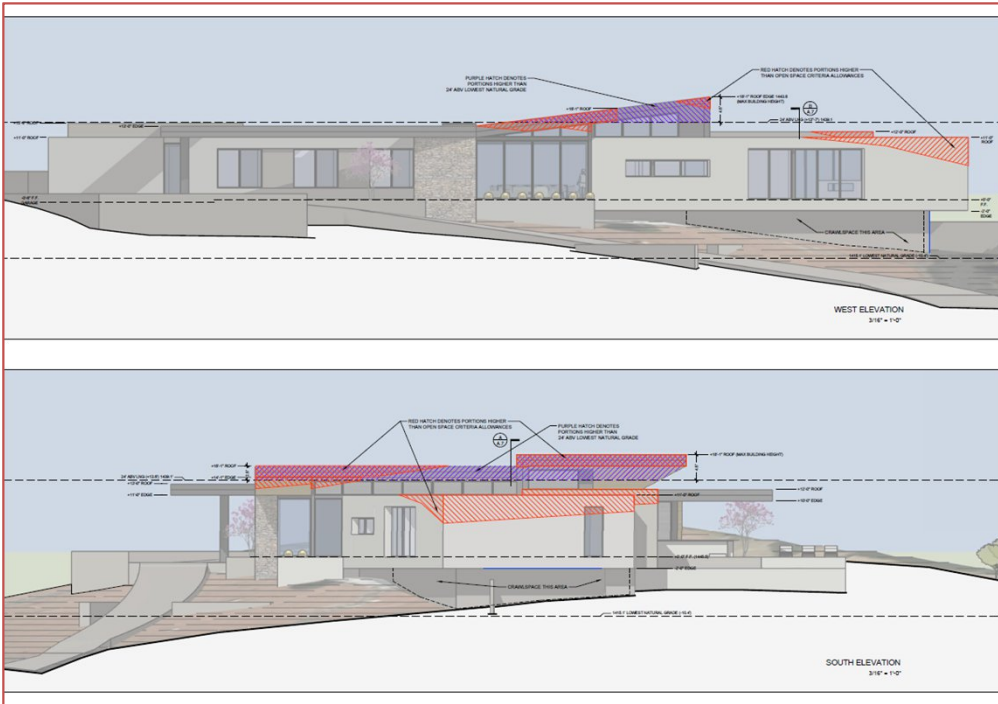


Updated Request



June 4, 2025





# Original Request



## Updated Request



June 4, 2025

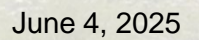


# SITE PLAN

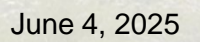


June 4, 2025

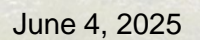






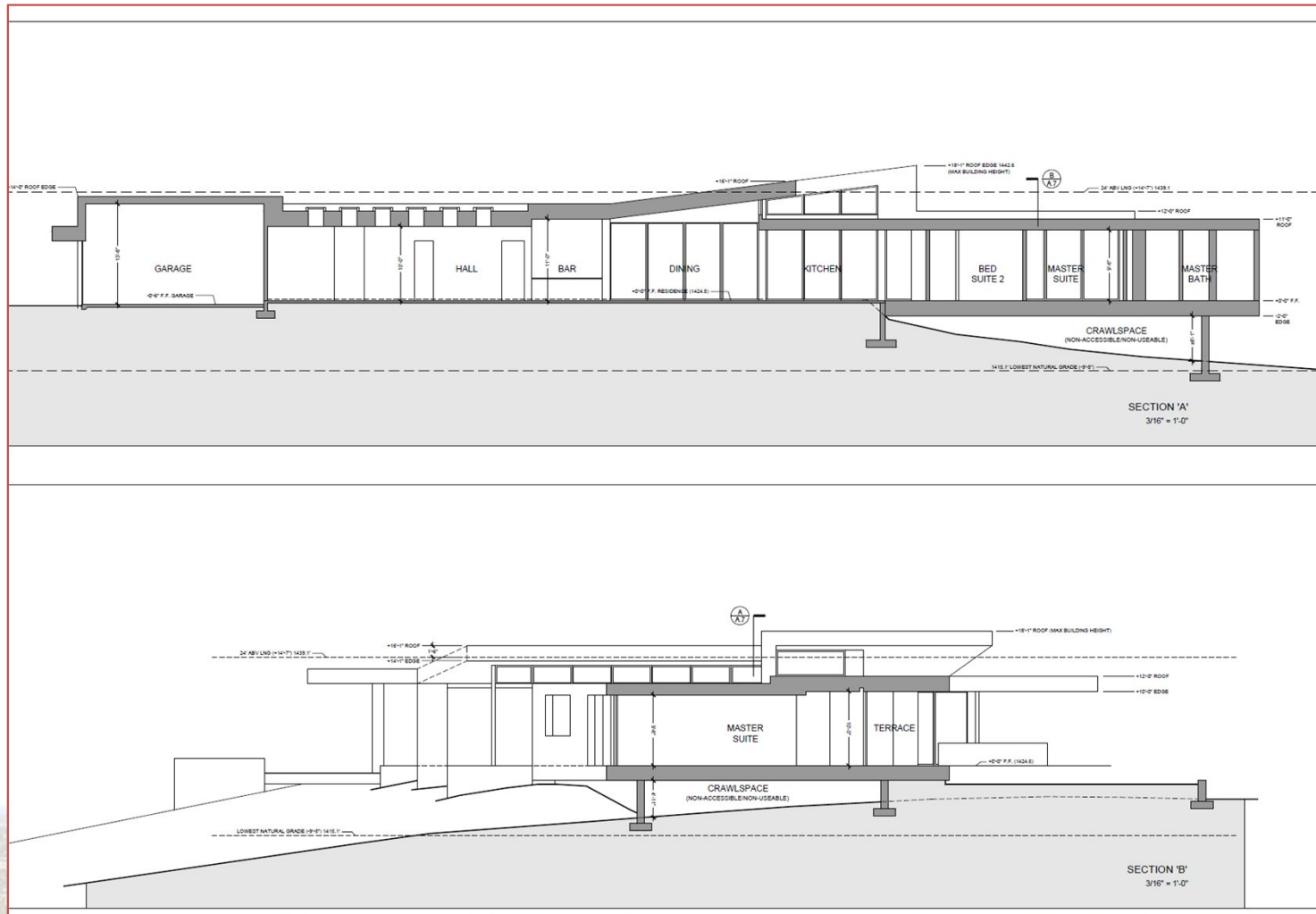








June 4, 2025





# RENDERINGS



VIEW FROM SOUTHEAST



VIEW FROM NORTHWEST



VIEW FROM ABOVE



VIEW FROM SOUTHWEST

June 4, 2025



# AERIAL PHOTO

- 13.6% (1,275 sq ft) of house beyond 24' height limit
- 8.0% (753 sq ft) of house beyond OSC height limit
- New home eliminates existing rear setback encroachment



New SFR

June 4, 2025



# SITE PHOTOS



June 4, 2025



## SITE PHOTOS (CONT.)



June 4, 2025



# ANALYSIS

- Property hardships exist but request not minimum needed to cure hardships:
  - Site slope 7.25%
  - Building pad slope 2.5%
  - Some height encroachment is warranted
  - Proposed house is design hardship since other alternatives exist to reduce height encroachment:
    - Remove or modify “butterfly roof”
    - Lower building pad
    - Reposition/reorient house



June 4, 2025



## ANALYSIS (CONT.)

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- Not minimum to cure property hardships:
  - Trying to utilize existing pad, but can redesign to reduce height encroachments
  - Other properties in area must meet height requirements



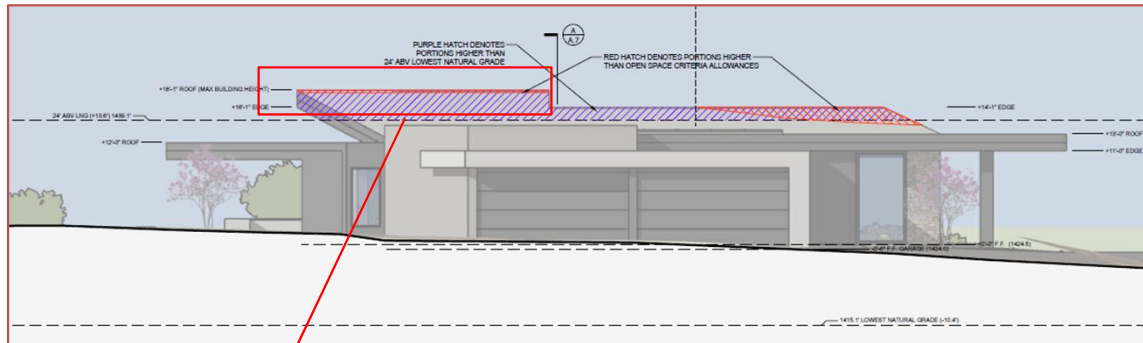
June 4, 2025



# CAN REDUCE HEIGHT ENCROACHMENT

24

- Steep slope for non-hillside lot
- Design hardship since height encroachment can be reduced



Remove or modify butterfly roof to reduce encroachment

Lower pad and/or redesign house for lesser height encroachment



June 4, 2025



## PUBLIC COMMENT

### Comment from Original Submittal:

- 1 Letter of Support
- 2 Letters of Opposition
- 1 Inquiry
- 1 Phone Call in Opposition
- 2 Spoke in Support at meeting

No comment received on modified design with reduced heights

Dear Town of Paradise Valley Board of Adjustment,

The new owners of 6521 N 40<sup>th</sup> Place, Paradise Valley have shared with us with their plans for a new home on the property immediately north of our home on 40th Place. We understand that they would like to build a modern home on that lot and will need a variance for roof heights that exceed what is allowed.

Based on our review of the plans (dated February 2025), we are in support of their request, as we believe that the new home will improve our neighborhood. We do not have concerns about the height of the roofs, as they will have no real impact on our house or property, especially considering the tall plantings between our two lots. We are especially happy that they would eliminate the driveway that is directly next to our home.

My wife & I are looking forward to having the lovely Amin family as our neighbors.

June 4, 2025



## STAFF RECOMMENDATION


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### MOTION

**Denial of** Case No. BA-25-02, request by Yogesh Amin, property owner of 6521 N 40<sup>th</sup> Place; for a variance from Article X, Height and Area Regulations, to allow a new home to encroach beyond the height limits

### REASONS FOR DENIAL

- Other alternative exist – can reduce height encroachments
- Design hardship since proposed home is not minimum amount needed to cure property hardships



June 4, 2025



## POSSIBLE ACTIONS

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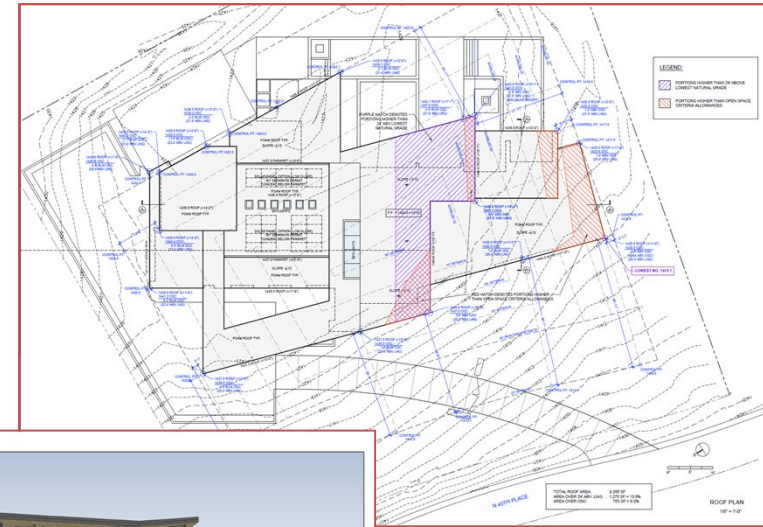
1. Approve variance request with following stipulations:
  - a. Improvements in compliance with submitted plans and documents
  - b. Must obtain required building permits and inspections from Building Division

*(Note: Board must state findings of approval)*

2. Deny the variance request
3. Continue for further review



# QUESTIONS?



VIEW FROM SOUTHEAST



VIEW FROM NORTHWEST



VIEW FROM ABOVE



VIEW FROM SOUTHWEST

June 4, 2025





## Action Report

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**File #:** 25-143

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**AGENDA TITLE:**

**Discussion and Possible Action on Case No. BA-25-03**

**Sandell Variance - 4474 E Valley Vista Lane (APN 169-20-122)**

**Variance to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.**

**STAFF CONTACT:**





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**STAFF REPORT**

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**TO:** Chair and Board of Adjustment

**FROM:** Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager  
Jose Mendez, Hillside Development Planner

**DATE:** June 4<sup>th</sup>, 2025

**DEPARTMENT:** Community Development Department/Planning Division  
Jose Mendez, 480-348-3519

**AGENDA TITLE:**

**Sandell Variance – 4474 E Valley Vista Lane (APN 169-20-122)**  
**Variance to allow to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.**  
**Case No. BA-25-05**

This application is a variance request to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court. Staff recommends denial due to the lack of property hardship.

**RECOMMENDATION**

Motion For Denial:

It is recommended that the Board of Adjustment **[deny]** Case No. BA-25-05, a request by Ty Utton (Rose law Group), on behalf of the property owners of 4474 E Valley Vista Lane; for a variance from Article XXII, Hillside Development Regulations to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.

Reasons For Denial:

Staff finds that there are no property hardships that warrant the variance and that the request does not meet all three variance criteria.

**BACKGROUND/DISCUSSION**

Scope of Request

The property is zoned R-43 Hillside and Section 2207 of the Town Zoning Ordinance states that materials used on exterior surfaces of the home including walls, roofs, and



fences shall blend with the surrounding natural setting. In addition, paint and material colors cannot exceed a light reflection value or LRV of 38%.

Furthermore, Section 2208 of the Town Zoning Ordinance regulates and limits the amount and level of lighting necessary for safety, security and enjoyment of outdoor living while protecting against direct glare and light pollution which reduces the ability to view the night sky. With this intent the code strictly prohibits Tennis court and sport court lighting.

**Section 2207 DEVELOPMENT STANDARDS** <sup>2018-15</sup> **II. ARCHITECTURAL STANDARDS.** *D. Materials used for exterior surfaces such as structures, walls, roofs and fences shall blend with the surrounding natural setting and avoid high contrasts. There shall be no paint or material colors used which have a LRV (Light Reflecting Value) greater than thirty-eight (38) percent. Materials and color used for exterior surfaces are subject to Hillside Building Committee review and approval. The applicant must demonstrate how the materials and colors used for the exterior surfaces blend in with the natural surroundings and settings. Limited use of contrasting accent colors (in excess of 38% LRV) for small elements, including, but not limited to items such as doors and window mullions, may be allowed upon explicit approval of the Hillside Building Committee.*

**Section 2208 OUTDOOR LIGHTING**

*A. Purpose: The intent of these lighting requirements is to preserve the low light level conditions that are inherently characteristic of the desert. The objective is to allow only the quantity and level of lighting necessary for safety, security and the enjoyment of outdoor living while protecting against direct glare and excessive lighting; protecting the ability to view the night sky; and preventing light trespass.*

*G. Prohibitions. In addition to the limitations noted above, the following lights or lighting effects are strictly prohibited: 1. Colored lamps or bulbs and string and unshielded rope lights; except that temporary holiday lighting shall be permitted between October 15th and January 15th. 2. Tennis court and sport court lighting.*

**Background**

The property is zoned R-43 Hillside and remained undeveloped until recently. The site has ongoing construction to develop a new single-family home, guest house, and sport court with trellis that was approved through the Hillside Formal Review on April 12<sup>th</sup>, 2023. There was a design modification and subsequent Hillside Combined Review to redesign the sport court and ramada that was approved on April 16<sup>th</sup> 2025.

**Lot History**

The subject property is Lot 1 of the Sanctuary subdivision. This lot was platted in the Town in 1994.

**Lot Conditions**

The property is zoned R-43 and is 95,610 square feet in size (2.195 acres). The property slopes down from the street and is irregular in shape. There is a wash that cuts through the property.



## DISCUSSION ITEMS

### Variance Criteria:

Town Code and Arizona Revised Statutes set criteria that an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds that an applicant meets all these criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all the criteria, the Board may not grant the variance. The following is the staff's analysis regarding the variance criteria:

1. *"That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* (Town Code Section 2-5-3(C)4).

### Staff Analysis:

There are no property hardships that warrant the variance request. The property is not undersized, nor burdened with adverse topographical features which incumbrance the development from meeting compliance with color and LRV requirements. The property is flanked by non-Hillside designated properties to the north and the west. Two of the properties to the north have tennis courts, but only one of the sport courts has lights. Similarly to the west there are two tennis courts with lights. All of these lit properties are not in Hillside. The sport court on this property is located to the northwest of the property, not near these other courts, but near a Hillside property with no court.

During the Hillside Combined Review hearing concerns about noise from the sport court or pickle ball court were voiced by a neighbor to the north. A stipulation was then included to provide additional native landscaping (i.e., Iron wood trees, palo verde trees, etc.) to mitigate sound and naturalize the area between the sport court and neighbors. The addition of sport court lighting would be in direct conflict with the intent and objective of Section 2208 Outdoor Lighting to maintain low light levels and protect the ability to view the night sky.

2. *"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and"* (Town Code Section 2-5-3(C)4).

### Staff Analysis:

The property is designated R-43 Hillside. Material, lighting and paint color are design choices that can be customized to meet the code. The sport court lighting is strictly prohibited in Hillside.

3. *"That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district"* (Town Code Section 2-5-3(C)4).



Staff Analysis:

The property is at the edge of the Hillside zoning designation and the adjacent properties to the north and east are not Hillside. Although the home is placed at lower elevation than the adjacent Hillside homes it is highly visible from the street and the highly visible to the adjacent Hillside designated neighbors. The Hillside zoning ordinance requires that the exterior materials and paint colors blend in with the surrounding natural setting and avoid high contrasts. The adjacent neighboring homes within the same zoning classification (Hillside) meet the material, color, and LRV requirements of the Hillside zoning ordinance. There are other homes in the neighborhood within the Hillside zone that have sport courts and do not have sport court lights.

**REQUIRED ACTION**

The Board of Adjustment must consider the facts and determine if the request for setback encroachment meets all three variance criteria. The Board of Adjustment may take the following action:

1. Deny the variance request.
2. Approve the variance request subject to the following stipulations:
  - a. The applicant must obtain the required Hillside Review and building permits and inspections from the Town's Building Division.
3. Continue the application for further review.

**COMMENTS**

Prior to the June meeting, staff did not receive any inquiries from the public.

**COMMUNITY IMPACT:** None.

**CODE VIOLATION:** None.

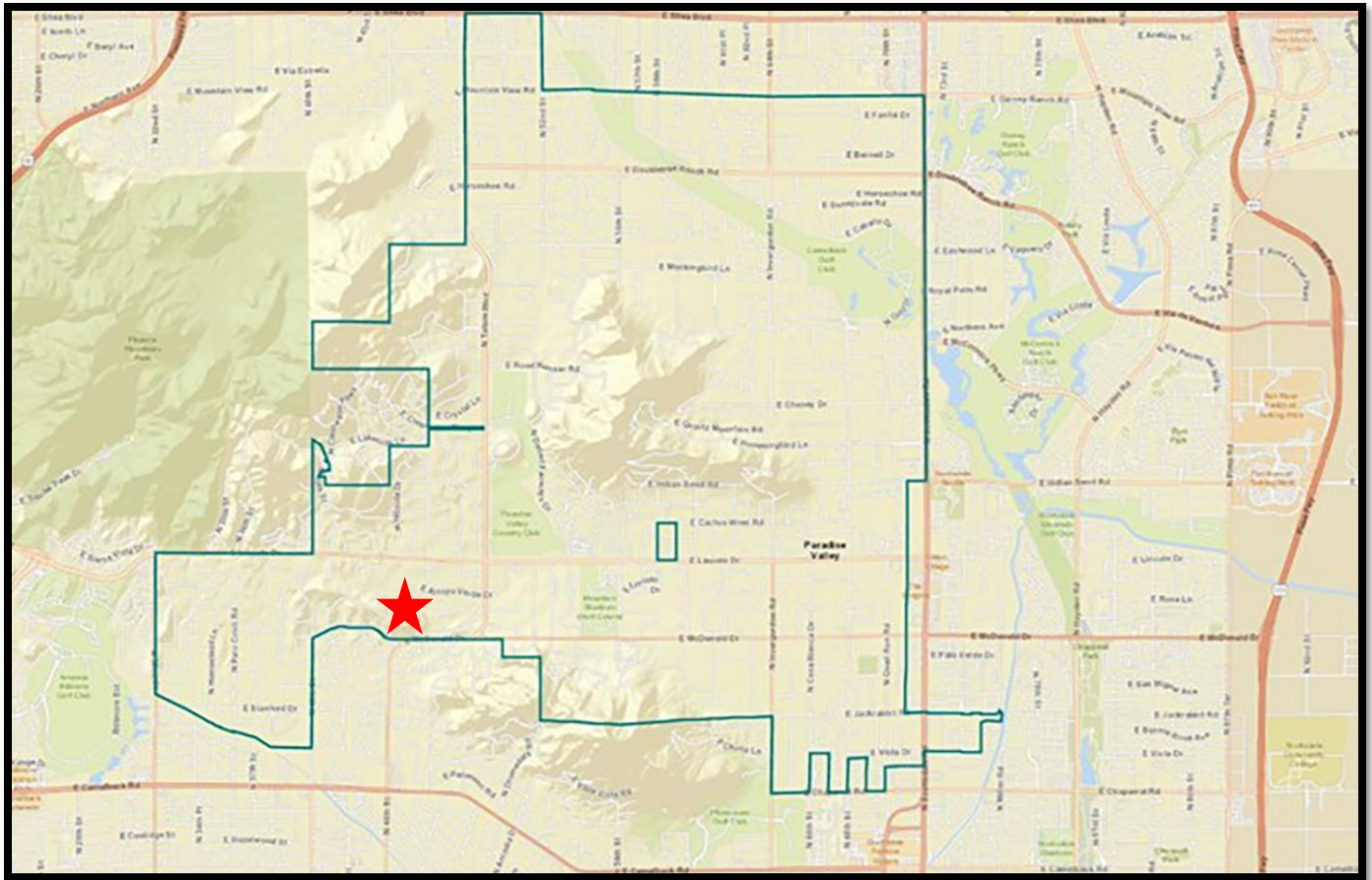
**ATTACHMENTS**

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative & Plans
- E. Notification Materials
- F. Staff Presentation
- G. Applicant Presentation





# VICINITY MAP



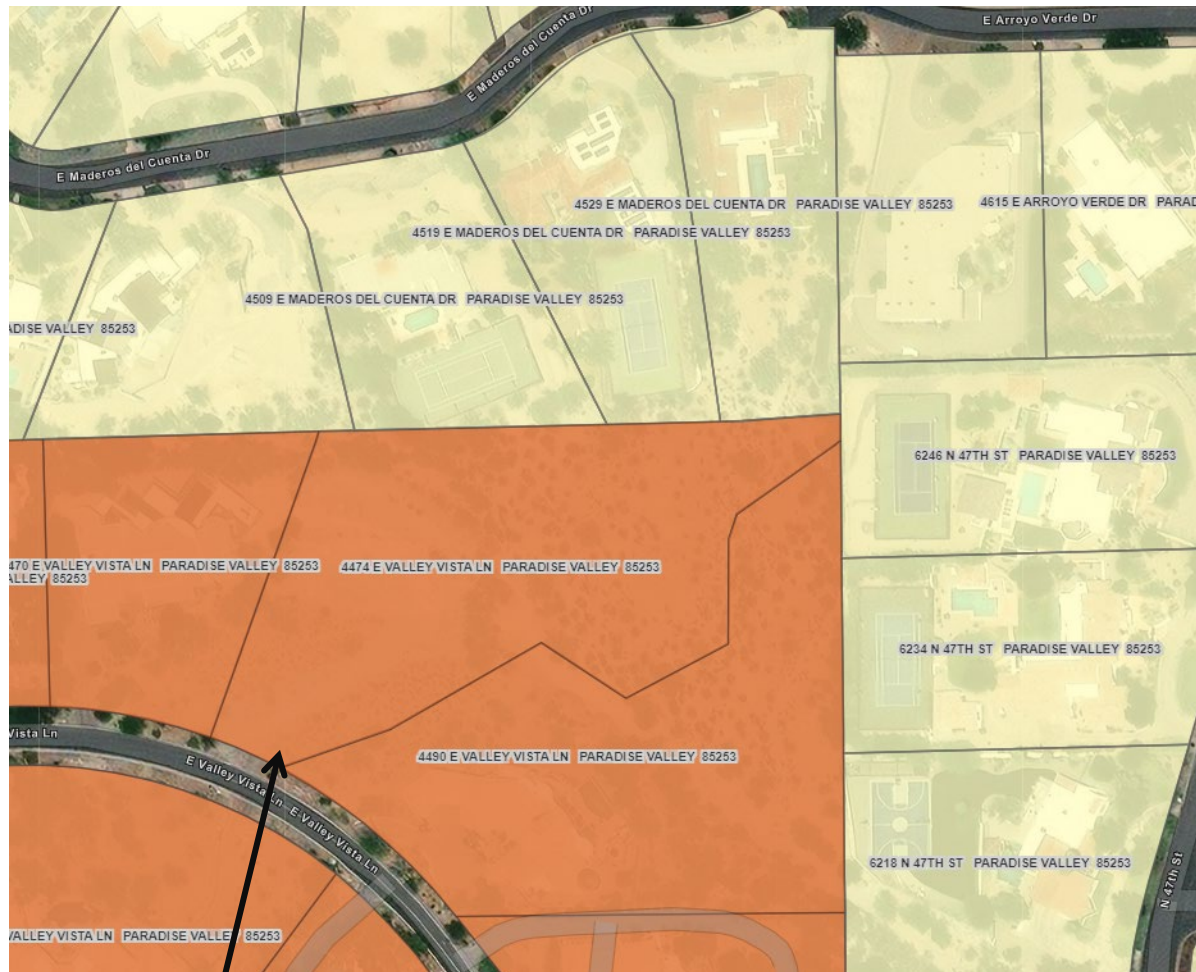
SANCTUARY Lot 1

4474 E Valley Vista Lane





# ZONING



**Subject Property**



Lincoln Heights Lot 35

6521 N 40<sup>th</sup> Place





# AERIAL



Subject Property

SANCTUARY Lot 1  
4474 E VALLEY VISTA LN





## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### APPLICANT & CONTACT INFORMATION

Project Name: 4474 E Valley Vista Ln / Hillside Variance Paint & Lights  
Date: 5/20/25 Zoning: R-43 Acreage (Net Acres): 2.19  
Property Address: 4474 E. Valley Vista Lane  
Assessor's Parcel Number: 169-20-122  
Name of Subdivision & Lot Number: The Sanctuary - Lot 1

Owner: MLS232 LLC  
Address: 2017 E La Vieve Ln, Tempe AZ 85284  
Phone number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
Signature: Ryan Sandell  
(Or provide a separate letter of authorization)

Applicant/Representative: Ty Utton  
Company Name (if Applicable): Rose Law Group  
Address: 7144 E Stetson Drive Suite 300 Scottsdale AZ 85251  
Phone number: 480 944 4189  
E-mail address: tutton@roslawgroup.com  
Signature: Ty Utton

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED IN THE SUBMITTED NARRATIVE,  
PLANS, AND DOCUMENTS IN ACCORDANCE WITH SECTION 2-5-3 OF THE TOWN CODE AND IN  
ACCORDANCE WITH THE TOWN ZONING ORDINANCE.

### FOR DEPARTMENTAL USE ONLY

Variance-App.#: \_\_\_\_\_ Submittal Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_



# **Sandell Variance**

## **Request to Paint Home White and Install Sport Court Lighting**

**4474 E. Valley Vista Lane | Paradise Valley, Arizona**

**APN# 169-20-122**

### **REQUEST**

This application requests a variance from the strict conformance to the following two specific standards in the Hillside Development Regulations (the “Hillside Regulations”), which are necessary due to the unique configuration and characteristics of the Property, which is actually mostly flat and not hillside terrain, and for the Property owner to have the same rights as similarly-situated properties in the same zoning district:

1. To allow the exterior of the home located at 4474 E. Valley Vista Lane (the “Property”) to be painted with a paint color having a Light Reflectance Value (LRV) greater than 38%, as the portion of the lot the home will be built on does not technically fall under the Hillside regulations; and
2. To allow the installation of downward-directed sport court lighting on the Property, in conformance with the requirements of Section 502(9)(c) of the Zoning Ordinance, and consistent with the sport court lighting that exists on most other adjacent homes that are at the same elevation as the portion of the lot on which the sport court will be constructed.

Despite only a small fraction of the Property containing slopes of 10% or higher, the Property has been designated as a “Hillside” lot and is subject to the Hillside Regulations, which are intended to preserve the natural desert environment, protect scenic views, and minimize physical disturbance to hillside terrain. This variance request not only respects those goals but purposefully reinforces them because it allows the Property owner to maintain the views of the Hillside portions of the Property and protects against disturbance of those areas. In fact, no portion of the home or other proposed improvements will actually be visible from the public street or any other property. The proposed exterior paint and low-impact sport court lighting are limited to a flat, visually enclosed portion of the Property that is uniquely constrained by topography, lot shape, and natural drainage features. The portion of the Property that the home is being built on is flat and does not actually meet the Hillside conditions, so these alterations on this unique property will not be negatively impactful to the public or other property owners in any way. These improvements will not impact any surrounding viewsheds or the natural landscape.

Although the Hillside Regulations prohibit paint colors with an LRV above 38% and ban sport court lighting in order to accomplish its purpose of preserving and protecting native desert



environment and natural viewsheds, strict enforcement of the code in this context imposes unnecessary burdens that do not serve the purposes of the Hillside Regulations, and they unnecessarily burden this Property, where the improvements are situated not on a visible Hillside but in a shallow depression at the same elevation as all of the surrounding non-Hillside homes. Here, the Property is only designated as Hillside because of the technical nature of the Hillside classification, while the unique physical characteristics of this Property justify limited, thoughtful relief from the strict application of the Hillside Regulations.

### APPLICATION MEETS ALL VARIANCE CRITERIA

Granting the deviations requested from Sections 502(9)(c) and 2207 (II)(D) of the Town Ordinance is acceptable as long as the request complies with the following approval criteria, as contained in Section 2-5-3(C)(4).

***CRITERION 1: That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings.***

*The Property's unique shape, topography, and surroundings are special circumstances that justify the requested variance:*

#### *1. Irregular Topographic and Hillside Classification:*

Less than 10% of the Property is actual Hillside, and while the Property includes a narrow band of steep slope near the entry drive—triggering a Hillside designation under the Town's regulations—more than 90% of the lot has a slope less than 10%, is mostly flat, and does not exhibit the environmental sensitivity or visual exposure typically associated with hillside terrain. Within the remaining 90% flat area, two large washes constrain development and forces the Property owner to carefully consider where to place improvements. The unique topography of this Property is illustrated by **Exhibit A**, which identifies the higher-sloped areas on and adjacent to the Property and how those sit relative to the Property and the improvements. The USGS topographic map shown below as **Exhibit B** shows the small portion of the Property that is burdened with steeper slopes, and that the majority of the Property lies in flatter areas that are similar to the surrounding, improved lots to the north and east.

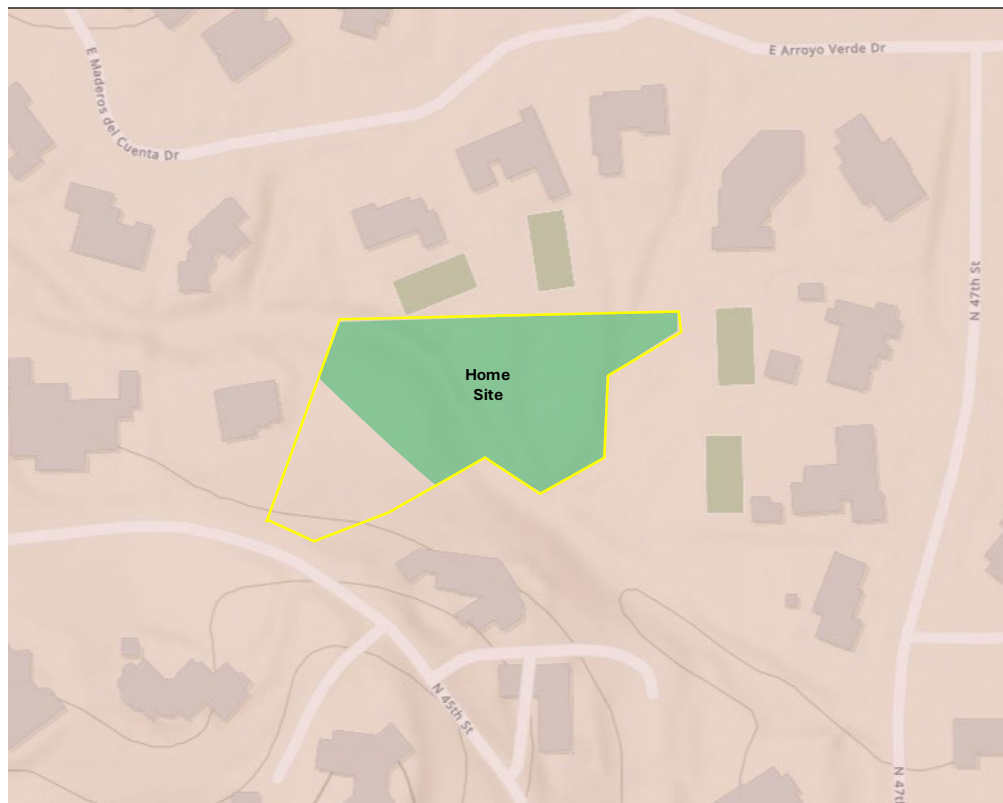
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**Exhibit A** - Site Context Map



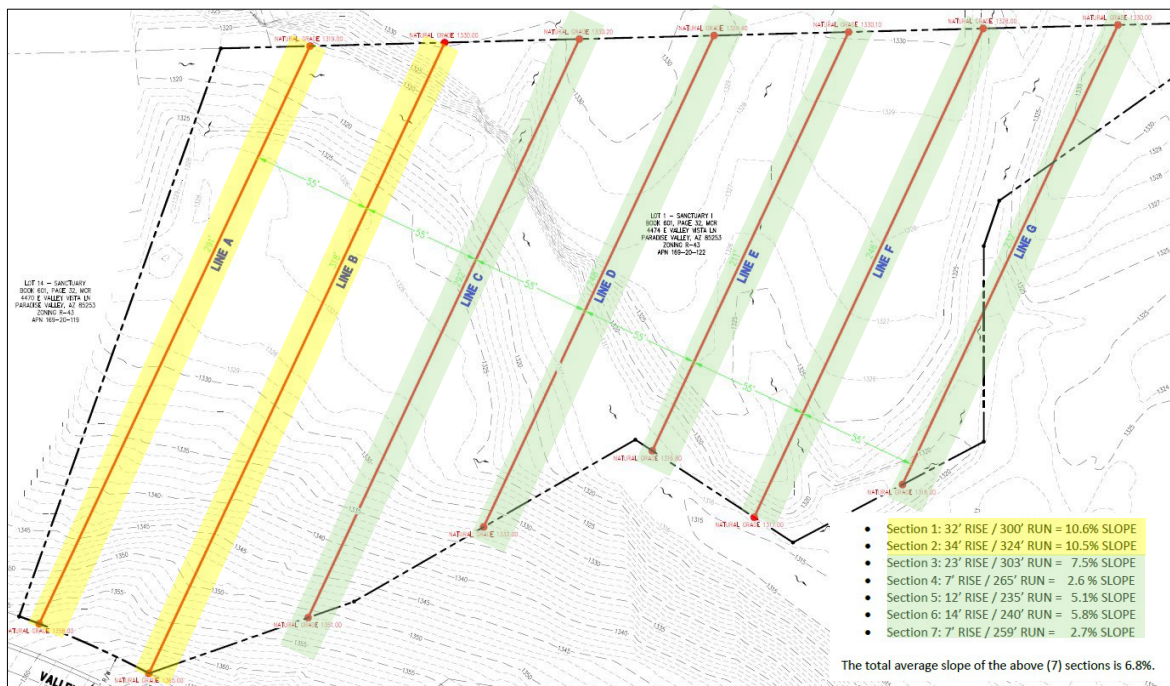
**Exhibit B** - USGS Topographic Map





The Hillside Slope Analysis shown below as **Exhibit C** as well as the detailed grading and engineering documentation submitted with this application—including the ‘Sandell Slope Analysis,’ ‘Slope Calc,’ and the Grading & Drainage Plan— illustrate that the Property has a Building Pad Slope of just 3.70% and an overall average slope of 6.8% across seven representative cross-sections. Notably, both the site and pad slopes fall below the 10% threshold that typically defines hillside conditions under Town Code Sections 2202 and 2209(B).

**Exhibit C** - Hillside Slope Analysis



## 2. Irregular Site Shape, Wash Constraints, and Visual Containment:

The Property’s unusual shape, combined with the presence of a natural wash protected by a 40-foot drainage easement across the front of the lot, presents significant site planning challenges not encountered by neighboring parcels. As illustrated in **Exhibit D**, the primary developable area lies on the far side of this wash, which must remain undisturbed to preserve its stormwater conveyance function during rainfall events. To maintain the natural hydrology of the Property, a bridge is required to span the wash and provide access to the buildable area—further reducing the usable lot area and complicating circulation. These naturally-occurring circumstances and constraints significantly limit where accessory uses, such as a sport court, can be located. Unlike adjacent properties with uninterrupted access to large, flat pads, this lot is effectively segmented by its natural features. Consequently, the proposed sport court has been thoughtfully located in the only feasible flat area—an interior zone that is naturally screened by vegetation and buffered by existing topography. This placement ensures minimal visual impact to other properties and the public. Likewise, the request for higher LRV exterior paint pertains to a home that is already



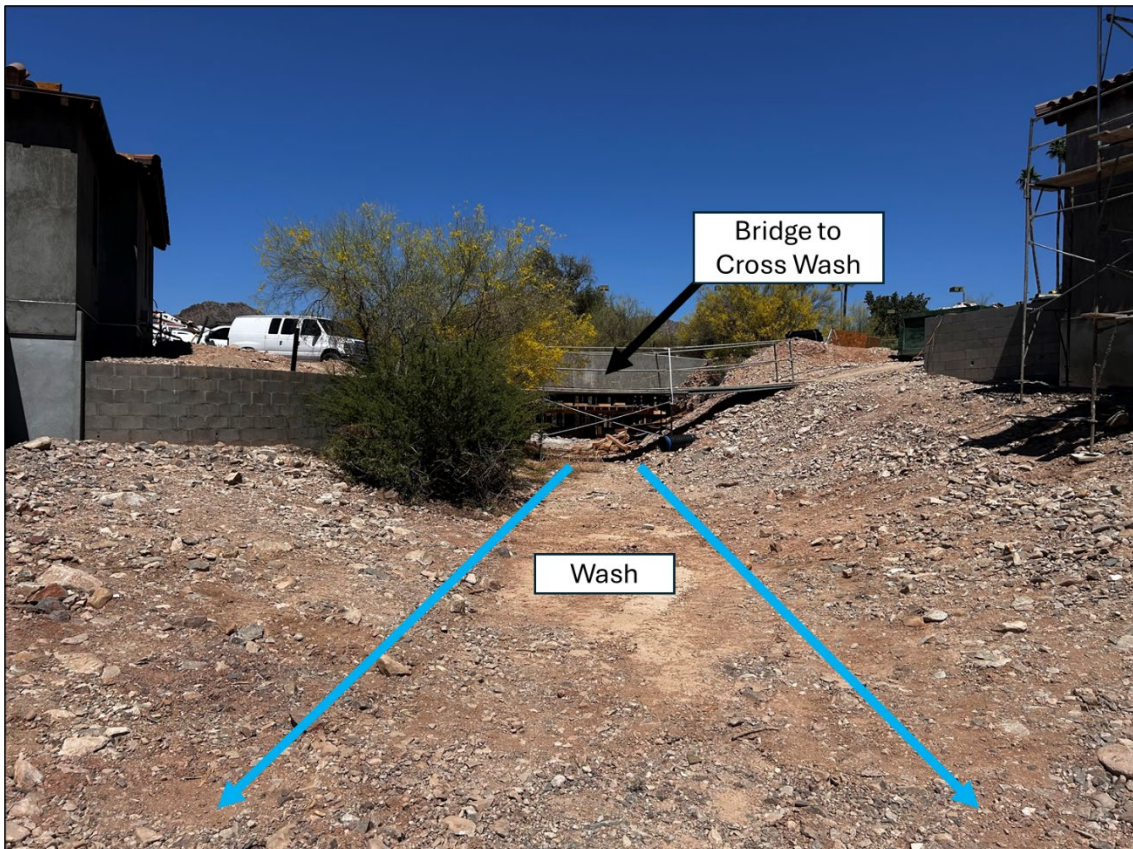
visually shielded by landscaping and set back from public viewsheds. The site's irregular geometry, preserved wash, and vegetative buffering collectively minimize any adverse impacts and support approval of the variance request.

**Exhibit D** - Site Constraints Photographs



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The combination of an irregular lot configuration, drainage limitations due to the washes, and compliance requirements associated with Hillside zoning regulations has created significant barriers to development that do not exist on surrounding properties. In a housing market as competitive and built-out as Paradise Valley's, the fact that a lot of this size and location remains undeveloped speaks volumes about the constraints imposed by its physical characteristics. These challenges are not only unique, but they materially restrict the property's potential in ways that justify the requested variances.

***CRITERION 2: That the special circumstances applicable to the property were not self-imposed or created by the property owner.***

The applicant did not create the unique topographical conditions of the Property that warrant this variance as those conditions are all naturally occurring on the Property.

The Hillside designation applied to this Property arises from a narrow band of sloped terrain located near the entry drive. This condition, while physically minor in scale, triggers a full Hillside classification under the Town's uniform slope-based mapping methodology. This designation applies uniformly across the entire parcel, despite the fact that over 90% of the lot is mostly flat and lacks the sensitive environmental or visual exposure characteristics typically associated with Hillside terrain (see ***Exhibit C*** above). The applicant did not create or exacerbate this condition. Rather, the existing terrain and resulting regulatory classification are appurtenant to the Property, and the applicant has complied fully with the Town's siting and grading regulations by locating the home on the least disruptive portion of the site.

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***CRITERION 3: That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.***

Strict application of the Hillside Regulations would deprive the applicant of reasonable design flexibility and common residential amenities—privileges regularly enjoyed by other property owners within the same R-43 zoning district on similarly-situated lots that are mostly flat and therefore unconstrained by the Hillside Regulations. These restrictions arise not from the actual environmental sensitivity of the Property or from the owner’s own acts, but from a technical classification imposed due to a narrow-sloped area at the front of the lot and which constitutes a small fraction of the Property area. As currently enforced, the Hillside designation imposes undue regulatory burdens on the flat, visually enclosed portion of the lot where the home is located – burdens that are not rooted in meaningful environmental or scenic concerns, but rather a technicality tied to a single sloped segment near the driveway. The majority of the Property is flat and visually enclosed – largely not visible from public streets or lower elevation properties. The home has been responsibly sited to preserve the surrounding desert and scenic views that are actually located on higher-sloped areas, directly supporting the intent of the Hillside Ordinance.

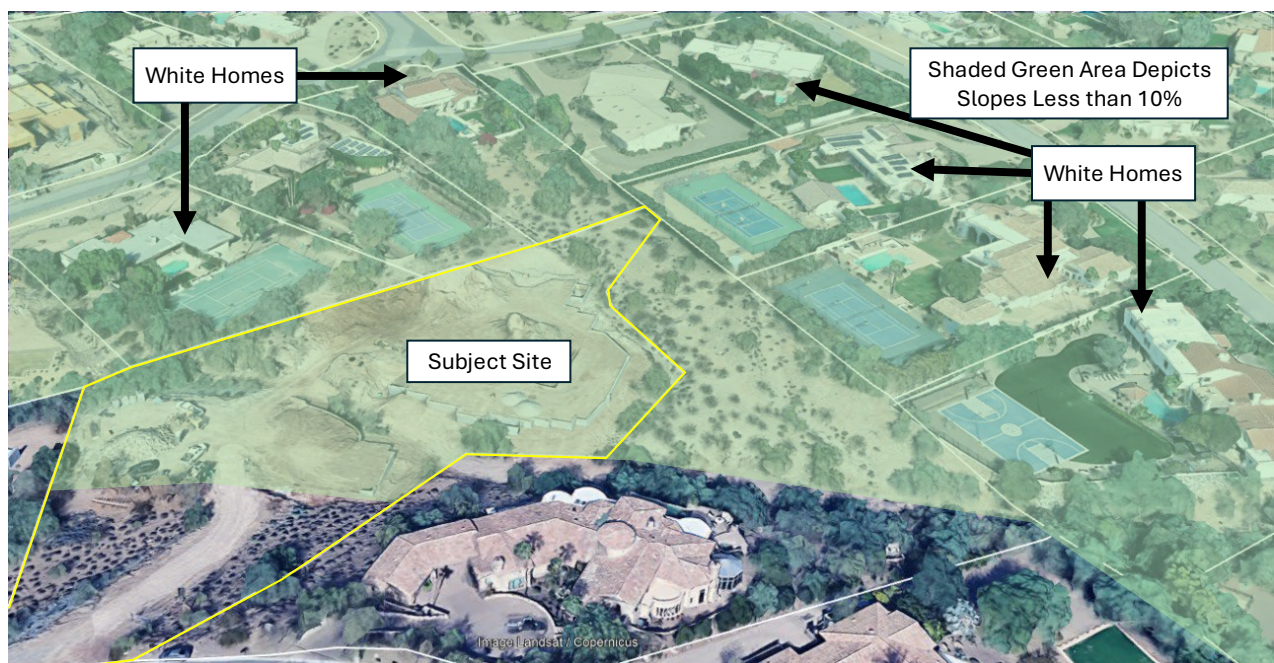
The Property’s unique topography and the natural drainage patterns of the existing wash place significant constraints on the Owner’s ability to improve the Property in the manner that other similarly-situated properties have been improved. This is evident in the fact that despite being platted in 1994, the Property has remained vacant for over 30 years—an uncommon occurrence in the Town of Paradise Valley, where the vast majority of similarly-zoned parcels have long since been improved. This persistent vacancy is a direct reflection of the Property’s unique circumstances that have caused development challenges and the deprivation of rights and privileges enjoyed by other owners.

Giving the unique topographic conditions and configuration of the Property, the home was deliberately and responsibly sited on the flatter bench of the Property to avoid unnecessary grading or disturbance, and to be consistent with the environmental intent of the Hillside Regulations. Had the home been placed further upslope within the hillside-designated portion of the lot—approximately 20 to 30 feet higher in elevation—it would have mirrored the siting of Hillside homes to the west and southwest and become highly visible from the surrounding lowland areas. In that case, a subdued color palette would have been critical to mitigating visual impacts, in line with the Ordinance’s goals (see **Exhibit A** above). Instead, the home is positioned at the same elevation as the similarly-situated, neighboring residences to the north and east, all of which are outside of the Town’s “Hillside” designation because they are located on relatively flat ground. This thoughtful siting strategy effectively eliminates the need to mitigate against inappropriate development that would obstruct viewsheds or spoil native landscapes that benefit the community and public at large, but it still subjects the Property to limitations that would not otherwise apply to the similarly-situated flat lots that surround it, making it clear that the requested variance is appropriate to remedy the hardships faced by the Property owner by imposing Hillside restrictions on flat land.



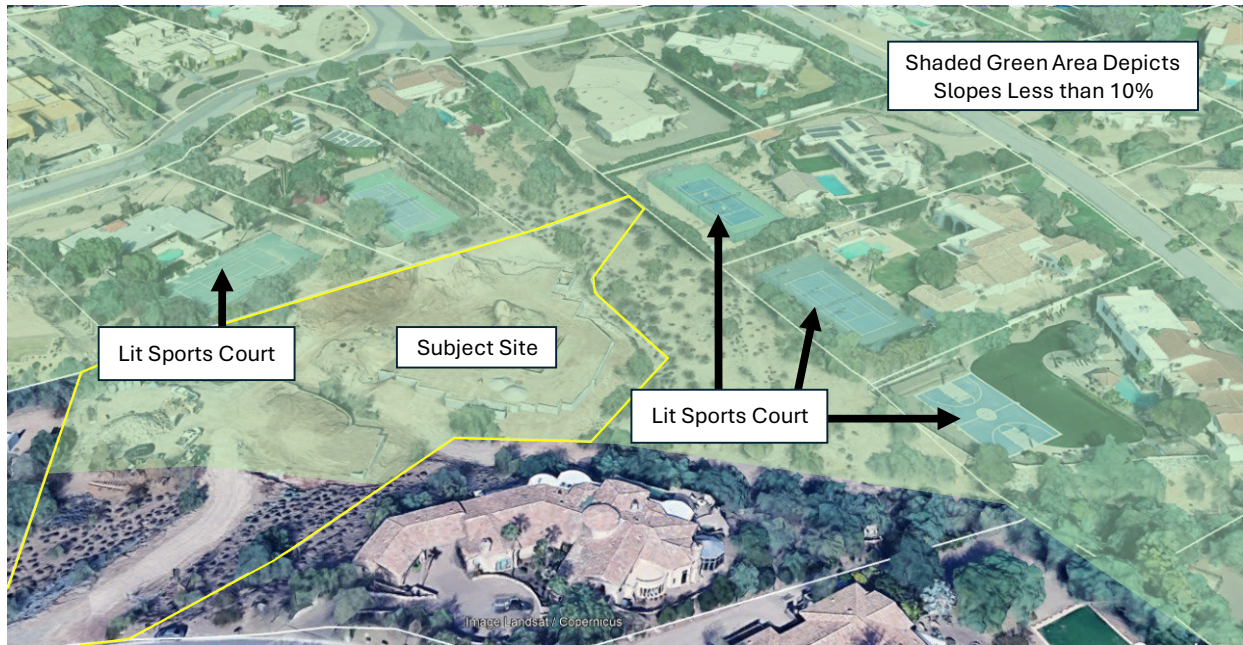
The variance request for higher LRV paint and low-level sport court lighting arises solely because of the lot's Hillside designation despite the lack of Hillside characteristics where the home and sport court improvements are to be located —not due to any self-imposed condition or non-conforming construction. These proposed design elements are consistent with the prevailing neighborhood character, where white homes and lit sport courts are common features (see **Exhibit E**). In fact, as shown in **Exhibit E**, many neighboring properties within the same R-43 zoning classification, but outside the Hillside overlay, utilize higher LRV finishes and have illuminated recreational amenities. The applicant's request simply seeks parity with these nearby homes and would not be necessary but for the technical classification imposed due to minor terrain variation.

**Exhibit E** – Neighborhood Context Map – White Homes & Lit Sports Courts



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Alternatives to the proposed improvements are either infeasible, will undermine the functional use and enjoyment of the Property, and deprive the owner of rights that it should be able to enjoy on the Property. Repainting the home in a darker color purely to satisfy a regulation that is not visually relevant from off-site locations would impose an unnecessary aesthetic burden without achieving a meaningful public benefit. Similarly, prohibiting sport court lighting on a lot that has already been functionally constrained by an irregular shape, wash corridor, and limited building area would render a common recreational use effectively unusable during normal evening hours. Given the home's enclosed location and surrounding topography, neither the higher LRV paint nor the lighting would result in visual impacts to neighboring properties or scenic corridors.

Further, a precedent exists for this type of request: On December 1, 1982, the Board of Adjustment granted a color variance to allow an off-white home on a Hillside-designated lot located at 6936 N. Mummy Mountain Road. The Board concluded that, despite the general prohibition on such colors under the Town's Mountain Building Regulations, the proposed color did not conflict with the ordinance's intent when considered in context (see **Exhibit F, attached hereto**). Similarly, the subject home is situated at the same elevation as neighboring non-Hillside homes and is not visible from prominent public vantage points, meaning the use of an off-white finish would not diminish scenic quality or violate the spirit of the ordinance.

In addition, the outright prohibition of sport court lighting under Hillside regulations unfairly restricts the applicant from enjoying an amenity that is widely used across the Town. Sport courts with lighting are a standard feature in the neighborhood where the Property is located and contribute to active residential use and enjoyment. Due to the irregular lot shape, presence of a wash, and limited buildable area, the court must be sited within a discreet and naturally buffered section of the lot. The proposed lighting will be low-profile, fully shielded, and directed



downward to prevent glare or offsite impacts. Thus, denying this aspect of the variance not only undermines the applicant's use of the Property but also does so without achieving a meaningful public benefit.

Therefore, the requested variance is necessary to ensure the Property owner can enjoy the same design and recreational privileges commonly exercised throughout the zoning district, while continuing to uphold the Town's environmental and visual preservation goals.

## CONCLUSION

The requested variance represents a narrowly tailored and reasonable adjustment to technical restrictions that were applied uniformly but without context. The Property is unique in shape and topography, with a shallow entry slope, fragmented developable area due to a natural wash, and a siting condition that places the home within a visually contained, flat zone consistent with surrounding non-Hillside properties.

Approval of this variance maintains the Town's hillside protections where they matter most - along the genuine slope - and ensures the continued low-profile condition of the existing home. It also shields surrounding neighbors from the risk of visually disruptive development in the future. Given the documented slope conditions, the irregular hillside classification, and the applicant's responsible placement of the home on the gentlest portion of the site, granting this variance aligns with the Town's long-term planning objectives and preserves the visual integrity of the surrounding neighborhood.

The applicant has complied fully with the Town's siting and disturbance standards, and granting this variance would allow for reasonable and common improvements—namely, off-white exterior paint and shielded sport court lighting—that are compatible with the neighborhood and consistent with the Town's visual preservation goals. Denial of the request would deprive the applicant of privileges routinely enjoyed by others in the same zoning district, without advancing the protective intent of the Hillside Ordinance.

The requested variance is not an illegal use variance and will not allow any uses that are not already permitted in the zoning district in which the Property is located.

The requested variance will not constitute a grant of special privileges that are inconsistent with the limitations upon other properties in the vicinity and zoning district in which the Property is located. The majority of the properties surrounding the Property are located on mostly flat land, and as shown above, those are similarly situated to the Property and enjoy the same exact privileges being requested by this variance.

For these reasons, we respectfully request approval of the variance as submitted.



## **Exhibit F**

Board of Adjustment Minutes – Mummy Mountain Road Variance Approval



BOARD OF ADJUSTMENT  
TOWN OF PARADISE VALLEY  
TOWN HALL  
MINUTES OF THE DECEMBER 1, 1982 MEETING

CALL TO ORDER

CHAIRMAN JOHNSEN called the meeting to order at 5:35 P.M. in the Town Hall, 6401 East Lincoln Drive. An orientation session called for 4:30 preceeded the meeting.

ROLL CALL

Members present:   MARSI JOHNSEN  
                          ANNE E. ANDEEN  
                          WILLIAM O'CONNOR  
                          DONALD D. SCHWENN  
                          WILLIAM S. CULLEN  
                          JOAN HORNE  
                          REGINALD SYDNOR

Also present:       William M. Piatt, Town Attorney  
                      Muin M. Kalla Planning Director  
                      Helen C. Dennis, Secretary

STAFF SWORN

CHAIRMAN JOHNSEN administered the oath to the Staff.

WITNESSES SWORN

CHAIRMAN JOHNSEN asked that everyone who wished to participate in the meeting, give their names and addresses to the Secretary and stand to be sworn. She then administered the oath to following persons:

Philip E. vonAmmon, 9001 North Martingale Lane  
Richard Johnes, 6300 Yucca Road  
Paul R. Yates, Jr., 6801 N. 47th Street  
Sam DeMuro, 5231 E. Arroyo

MINUTES OF PREVIOUS MEETING

MOTION: CHAIRMAN JOHNSEN advised that the minutes of the November 3rd meeting had been mailed to the members and asked if there were any corrections. There being none, upon motion of MRS. ANDEEN, seconded by MRS. HORNE the minutes of the November 3, 1982 meeting were accepted as submitted.

REGULAR ORDER OF BUSINESS

MR. and MRS. PHILIP E. vonAMMON

GRANTED/STIPULATION

This was a request for a variance for an existing non-conforming use to convert an existing carport into living quarters at 6624 Smoke Tree Lane.



MRS. HORNE withdrew from the discussion and the vote on this issue inasmuch as her home is next door to the subject property.

A drawing of the site and area under discussion was projected on the screen. MR. vonAMMON presented the petition, stating that he and his wife were the owners of the subject property. He described the location on Smoke Tree Lane and advised that this duplex was built many years before the Town was incorporated and before Maricopa County had zoned the area for single family residential purposes. He said it had been used continuously as a duplex, and it resembles a long ranch house. MR. vonAMMON explained, "The two rectangles [on the drawing] that have street numbers in them, 6624 and 6626, are the enclosed residential portions. There is a carport in the back, or to the west, of each of the units and a small patio. And on the north and south end of each of the units there's a small concrete porch which also functions as an entryway for the respective dwellings." He stated that they purchased the property approximately 20 years ago. MR. vonAMMON said that he and his wife plan to sell the residence they now occupy and live in the south unit [6624] of the duplex. He described it as a relatively small dwelling as it was now but said they felt if they could make the carport on the south unit into a family room and have some storage space, it would be then be a comfortable place for them to live. They also would like to enclose an entryway so that instead of stepping off the porch right into the living room, a person would enter into a vestibule and then into the living room. He pointed out that the fact that it was a property that could be rented was attractive to them because it would provide some supplemental income for retirement. He said whether or not they moved in, the property would continue to be a duplex because it was a legal non-conforming use. In conclusion, he said, "We are asking for a variance for the privilege of putting three sides on the carport. As pointed out in the Director's report, it is not contemplated that additional dwelling units would be added to the thing. It still would be a two-family dwelling. It never would be more than that."

The Board discussed the details of the modification. MR. vonAMMON described the steps to be taken for the remodeling. In response to questions, he said he did not plan on adding another carport. The carport on the north unit was damaged by fire, and when it was repaired, the roof was not built out to align with the south carport roof and it was his desire to complete the alignment of the roof and it would suffice as a two car carport. MR. SCHWENN called attention to the fact that the alignment and extension of the north carport roof did not appear on the application, and MR. vonAMMON said it was an oversight, the application should cover the items shown on the drawing. Inasmuch as it was on the drawing, the Board agreed to permit the petitioner to amend the wording of the application to cover the extending of the roof of the north carport. There would be no enclosed parking attached to 6624. He said they do not propose to add any square footage. Discussion pointed out that this request was not for an expansion of the non-conforming use and there was no additional square footage involved. The setbacks remained the same; however, the law states that any alteration to a non-conforming use structure cannot be made without coming before the Board of Adjustment for approval.



CHAIRMAN JOHNSEN opened the meeting for public participation. No one responded.

MR. CULLEN established the fact that the material to be used for the walls in the carport would be compatible with the material on the rest of the house. MR. vonAMMON said they plan to construct a masonry wall with a 4'x10' arcadia door across the area so they could enjoy the view of Camelback Mountain. He pointed out that he was negotiating with A.P.S. to try to get them to remove the unsightly power poles that were on the property line and put the wires underground.

MOTION: MR. SYDNOR moved to approve the application for variance as amended, to include the extension and alignment of the roof over the north carport with the stipulation that the property shall remain under single ownership. MR. O'CONNOR seconded the motion. The motion carried 6-0 with one abstention [MRS. HORNE].

JOHNES DEVELOPMENT COMPANY

DENIED

This was a petition requesting a variance of approximately 10' from the building setback line to construct a spa at 6234 Yucca.

MR. DICK JOHNES, the builder presented a map/diagram which was projected on the screen. He described the house as being pretty much from property line to property line because they wanted to create an interior open courtyard for the house. He described the design of the house in detail and said that initially they had wanted to create an outside sitting area which would be walled and which would be landscaped just outside the bathroom area. They had considered either putting a fountain or a fireplace out there. MR. JOHNES commented that that would be legal under the existing permit. He said that in looking at the way they were going to design the pool, the upper portion was going to be the outdoor spa, but they decided that one of the problems of having the spa in that location would be that the resident would have to go from the master bath and walk across the open yard and be visible to the neighbors and they thought it would be a very nice amenity to the house if they were able to place a 4'x 8', very small spa that would be within the courtyard area, but it would infringe from the setback line at that point; therefore, he was requesting a variance to put the spa within that walled area. He said his company owns the lot on one side of the subject property and the neighbor on the other side, Jim French, had delivered a letter to the Board stating that he was in favor of the variance.

MR. CULLEN inquired whether Mr. French was present and he was not. MR. CULLEN asked MR. JOHNES whether Mr. French was aware of the noise that was connected with the operation of the spa, and MR. JOHNES said that had been explained to him. He said the equipment would be enclosed with another fence so that the sound would be sent up vertically. MR. JOHNES said this location would back up to Mr. French's greenhouse. MR. CULLEN asked for the reasoning behind not putting the spa in the corner of the patio, and MR. JOHNES explained that the patio was designed to give a view of Camelback Mountain. In response to MR. SCHWENN'S direct questions, MR. JOHNES agreed there was no physical reason why the spa could not be located there. MR. JOHNES said it was just a matter of a choice of what they felt would be the amenity they would prefer.



MRS. HORNE said she had thought when she visited the property that it would be acceptable to have the spa as originally designed on the edge of the pool. She pointed out that there were two choices of location for the spa without the need for any variances. MR. JOHNES said that was correct. He said it is a very hard decision. He said that before, they have usually had an entrance that came through the bedroom, but some people would like to have a more private area so when they came in and weren't quite dry they would not be walking over the carpeted area or the wood floor area. He said it is just a subjective decision on their part as to what they think would be most saleable.

MRS. HORNE established that this would be the sixth home MR. JOHNES has built in Finisterre and these same things had come up with previous buildings.

MR. CULLEN pointed out that the Town does have an ordinance covering the setbacks for pools and spas and said he found it difficult to find a hardship involved. He was concerned that everybody else would like to put a spa or an earth satellite station or something like that adjacent to a wall in a similar situation.

MR. JOHNES said there really was not the alternative of coming from the bathroom area. He said that was a very important point with them. Many of the people who have bought their homes have stated that one of the problems about the spa is that they don't wish to go outside in an open area. They would have liked to have had access from that bathroom area. In response to CHAIRMAN JOHNSEN'S question, MR. JOHNES said they had been debating this for about six weeks. They had wanted to put it in the private area off of the bathroom, but when they looked at it and in talking with the sales people they found that the proposed location would be the place they would prefer to have it. MR. JOHNES said he was sensitive to the delima the Board of Adjustment was in. He said he felt the proposed area is a dead area as far as the neighbor is concerned and would not cause a hardship. MR. CULLEN commented that while this arrangement might be alright with Mr. French, it might not be alright with the person he sold his house to four or five years from now. He pointed out that when the Board approved a variance, it is forever.

MR. JOHNES said he looked at the over-all aesthetics of the house and the area and he felt that they have created something they are proud of. He reminded the Board that his company had developed a lot of property within the Town and this is the first time they have ever come in for a variance.

MRS. ANDEEN inquired whether the spa was envisioned in the initial design of the house and MR. JOHNES answered, "Yes, the spa was envisioned to be in that upper pool area where we showed you. And then when we got to looking at the site, the site elevates at that point and that was one of the problems too of that location for it."

MRS. HORNE asked whether or not the construction of the house was in such a stage of development that no changes could be made structurally, and MR. JOHNES said it is just a matter of dollars, but the problem with the bathroom design is that they are totally committed with the plumbing.

CHAIRMAN JOHNSEN asked for any comments from the public.



CORRECTED

MR. PAUL R. YATES, JR. described the house design and said there was no way to change the master bedroom around. He concurred that many buyers have suggested their desire to have a spa in the proposed location.

MOTION: MRS. HORNE moved to deny the variance because the basis upon which the petition was made was not within the Board's province to grant. MRS. ANDEEN seconded the motion. The roll was called and the motion carried unanimously 7-0.

SAM DeMURO

GRANTED/STIPULATIONS

This petition was continued from 11/3/82. It was a request for a variance from Section 5(v) of the Mountain Building Regulations relating to color for a residence at 6936 North Mummy Mountain Road.

The Board held an on-site meeting on Saturday, November 13, 1982 to examine 4'x8' posts painted the colors MR. DeMURO proposed in relation to the surrounding terrain.

The colors chosen by MR. DeMURO as well as the colors that have been approved were passed around the Board. MRS. JOHNSEN pointed to one particular shade that had been used on a home on Hummingbird Lane and attested to the fact that it did appear to be white as constructed. MR. DeMURO did not feel that that color would be acceptable at all.

The statements which MR. DeMURO had given as the basis for his request were reviewed in detail. MR. DeMURO gave an account of his personal experience and aspirations in beginning the project two years ago. He said that all of his life he had hoped to build a Mediterranean home and now he felt he was about to see it built. He said he specifically wanted a house with columns, and a white house. He hastened to say, he did not mean "hospital white" he meant an off-white. He said the architecture and the entire house was designed around his dream of a white house with columns. He said they were 90% through with the plans when the area was annexed and they were faced with new restrictions. He pointed out that the structure would cover a lot of the scarring on the mountain and he contended it would greatly enhance the area. He said if he had begun a house under the Town of Paradise Valley jurisdiction, he would have designed a completely different type of a house and complied with all the restrictions, but he had designed the house under County regulations and had met those regulations.

MR. SYDNOR referred to the minutes of the previous meeting in which MR. DeMURO stated that permits for the preliminary construction had been issued by the County and asked exactly what construction permits were issued and also asked for a detailed accounting of which plans were and were not approved by the County.

MR. DeMURO said the County approved the plans for the wall, the septic system, the grading, the gazebo and the swimming pool area. The County had not approved the house because he had not submitted it to the County for approval. He said that was the only approval that he did not have.



MR. SYDNOR established the fact that the long retaining wall would be faced with stone, or some material which would blend in with the mountain side and eliminate the public view of the wall and that was stipulated on the permit issued by the County. The material was not specified. MR. DeMURO said the permit also carried the stipulation that any rock that was defaced in the process would be returned to its original colors. Discussion led by MR. SYDNOR brought out that the complete plans for the house and wall have not yet been submitted to the Town. MR. DeMURO said he intended to face the retaining wall either with stone or imitation stone such as the building on 24th and Missouri. He said there would be a lot of plantings placed in front of the wall. MR. DeMURO stated that he did not think white blends with the mountain, but he felt it brought out the beauty of the mountain.

Further discussion indicated that there were other problems arising because of the difference in County and Town requirements such as the height of the house, and the slope of the driveway. He said if the house were held to the Town's specifications, depending upon how the measurements are taken, the slope of the driveway would be undriveable. If the driveway is dropped to reduce the degree of slope, then the house is not in compliance.

At the CHAIRMAN'S request, MR. DeMuro presented a drawing showing the side of the house with the retaining wall. MR. SYDNOR commented that it would appear from the conversation that MR. DeMURO would be coming back to the Board to get a variance for the height of the house. MR. DeMURO agreed. After discussion it was felt that if that should be necessary, it would be the only other variance required.

The Board questioned the lack of color on the retaining wall and MR. DeMURO went over the drawing in detail pointing out which area would be the second color he had chosen and which would be grey tinted glass. He assured the Board that the retaining wall would not be white or any shade thereof, the sketch had not been completed that far down and no color had been filled in on the wall. He said it would be surfaced as previously outlined.

MR. CULLEN interjected the question of whether the Board was being asked to put the cart before the horse by approving a color when in fact the house might not be acceptable and MR. DeMURO said he was told that the color must be approved before anything else could be done.

MRS. HORNE ascertained that there was no other color that would be acceptable. MR. DeMURO said he had taken his second choice which was darker than off-white, but that he could not build the house with any darker color.

MOTION: MR. O'CONNOR moved to grant the variance and approve MR. DeMURO'S second choice of color using the basic rendering he has submitted with that one wall that he said would not be in white [or any shade thereof]. CHAIRMAN JOHNSEN asked MR. DeMURO to specify that for the record and MR. DeMURO said, "Yes, I will absolutely guarantee that that wall will not be in white [or any shade thereof]." MR. CULLEN seconded the motion. MRS. JOHNSEN offered an amendment to the motion that the approval of the



variance applies only to the design submitted. If any thing should happen that this particular house is not built, the color approval does not hold. MR. CULLEN seconded the amendment. MR. O'CONNOR accepted the amendment. The Roll was called. CHAIRMAN JOHNSEN said that this was a very difficult decision to make, because the Town's guidelines were that the color was to blend in with the existing mountainside, but because of the extenuating circumstances and the fact that it was started previous to annexation, she voted "yes". MRS. ANDEEN voted "no". MR. O'CONNOR voted "yes". MR. SCHWENN voted "yes" for the same MRS. JOHNSEN gave. MR. CULLEN voted "yes". MRS. HORNE voted "no". MR. SYDNOR voted "yes". The motion carried 5-2.


PETITIONS WITHDRAWN

There were request on file to withdraw the last two items on the agenda [James Pugliano, variance for construction of a tennis court and Helen Clarke Donahoe Estate, variances for construction of Triptych]; The request for withdrawal of the petition by Mr. Pugliano was granted; however, the letter from Mr. Bell asking to withdraw the petition for the Helen Clarke Donahoe Estates contained an error in dates. The secretary was instructed to contact Mr. Bell for a corrected letter and the with the stipulation that the corrected letter be submitted, the request to withdraw was granted.

ADJOURNMENT

MOTION: There being no further business to come before the Board, upon motion of MR. O'CONNOR, seconded by MR. CULLEN, the meeting adjourned at 6:39 P.M.

Respectfully submitted,

  
HELEN C. DENNIS, SECRETARY

  
MARSI JOHNSON, CHAIRMAN





# COMMUNITY DEVELOPMENT DEPARTMENT

## AFFIDAVIT OF POSTING

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA )  
 ) ss:  
County of Maricopa )

I, Kayla Amado, depose and state that the attached notice,  
of proposed application HILL-25-04 located at  
4474 E. Valley Vista Lane for the Board of Adjustment meeting date of  
June 4, 20 25 is

a true and correct copy of a notice which I cause to be posted by the following day of the  
week Tuesday,

and on the following date May 20, 20 25 in the following location(s):

Entrance of 4474 E. Valley Vista Lane

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public  
places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this 20th day of May, 20 25.

[Signature]  
Signature

This affidavit was Subscribed and sworn to before me on this 20th day of  
May, 20 25.

[Signature]  
NOTARY PUBLIC

My commission expires:

02/26/2029











# COMMUNITY DEVELOPMENT DEPARTMENT

## AFFIDAVIT OF MAILING NOTIFICATION

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA       )  
  ) ss:  
County of Maricopa       )

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that all the property owners within 1,500 feet of the property, as obtained from the Maricopa County Assessor's Office on May 19, 2025, for the proposed variance has been mailed on the following date Tuesday, May 20, 20 25.

(This property list shall not be older than thirty (30) days at the time of filing of the application).

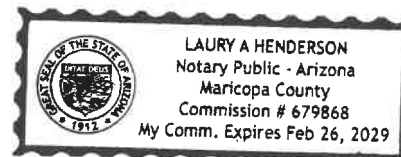
[Signature]  
Kayla Amado

The foregoing instrument was acknowledged by me this 20th day of May,  
20 25, by Kayla Amado.  
Name

[Signature]  
NOTARY PUBLIC

My commission expires:

02/26/2029







4474 E Valley Vista Ln, Paradise X

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## Search By

Using the Mouse

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Features selected: 208

169-17-030

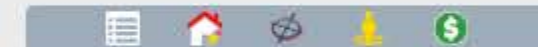
Owner: JONATHAN MICHEL AND LORI KAY SMITH 2011 REVOCABLE TRUST

Property Address: 6513 N 46TH ST PARADISE VALLEY 85253

Mailing Address: 6513 N 46TH ST PARADISE VALLEY AZ USA 85253

Latitude: 33.53174347266121

Longitude: -111.98172434182374



169-17-031

Owner: MARGARET G BARNES TRUST

Property Address: 4614 E LINCOLN DR PARADISE VALLEY 85253

Mailing Address: 6517 N 46TH ST PARADISE VALLEY AZ USA 85253

Latitude: 33.53167053323378

Longitude: -111.98114154764782





JONATHAN MICHEL AND LORI KAY SMITH  
2011 REVOCABLE TRUST  
6513 N 46TH ST  
PARADISE VALLEY  
AZ85253

CHAO PONG/VAN LILY  
6001 N 44TH ST  
PARADISE VALLEY  
AZ85253

HOFSTEDT THEODORE/CONTRERAS  
MARIANNE  
4520 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ852534029

GREENBERG MICHAEL PAUL/HELEN M  
TR  
4435 MADEROS DEL CUENTA  
PARADISE VALLEY  
AZ85253

ZIEGLER KATHLEEN M/PIOTROWSKI  
TODD E  
4430 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

LEE M GROSS REVOCABLE TRUST  
4501 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

MORGAN VENTURES OF ARIZONA  
LIMITED PARTNERSHI  
1400 PEOPLES PLAXA STE 104  
NEWARK  
DE19702

CLARK HAROLD E/MARY O TR  
6300 N 47TH PL  
PARADISE VALLEY  
AZ85253

GLISS REVOCABLE TRUST  
4724 E ARROYO VERDE DR  
PARADISE VALLEY  
AZ85253

ROBERTSON MARK/LINDA  
4752 E ARROYO VERDE DR  
PARADISE VALLEY  
AZ85253

MARGARET G BARNES TRUST  
6517 N 46TH ST  
PARADISE VALLEY  
AZ85253

DENISE L SHORALL REVOCABLE LIVING  
TRUST  
4422 E MCDONALD DR  
PARADISE VALLEY  
AZ85253

ROSSLAND HOLDINGS LLC  
12050 N 76TH CT  
SCOTTSDALE  
AZ85260

WALLACE EDWARD E  
4425 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

FRANK AND LAUREEN VERDERAME  
REVOCABLE TRUST  
4436 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

JOHN B AND SYLVIA FRAMPTON  
MULCHAY TRUST  
4509 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

FELKER RICHARD F/SUZANNE F  
6311 N 46TH ST  
PARADISE VALLEY  
AZ85253

STEWART ALDEN/PATRICIA  
99 UNION ST UNIT 1801  
SEATTLE  
WA98101

JEFFREY H AND KELLY S EMME LIVING  
TRUST  
4732 E ARROYO VERDE DR  
PARADISE VALLEY  
AZ85253

ROBERT V WILLMES II FAMILY TRUST  
6526 N 66TH PL  
PARADISE VALLEY  
AZ85253

PARADISE VALLEY METHODIST CHURCH  
4455 E LINCOLN DR  
PARADISE VALLEY  
AZ85253

ARENDT FAMILY TRUST  
4530 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

MCCALEB DAVID C/PATRICIA R TR  
4500 MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

BORN FAMILY TRUST/BYPASS TRUST  
4424 E MADEROS DEL CUENTA DR  
SCOTTSDALE  
AZ85253

CROWEL JOSEPH R/MACKENZIE WEST  
4441 E MADEROS DEL CUENTA DR  
PARADISE VALLEY  
AZ85253

WAGONER LIVING TRUST  
4519 E MADEROS DEL CUENTA  
PARADISE VALLEY  
AZ85253

LADRIGAN FAMILY TRUST  
6301 N 46TH ST  
PARADISE VALLEY  
AZ85253

RJT TRUST  
6311 N 47TH PL  
PARADISE VALLEY  
AZ85253

WARREN JEFFREY C/VICTORIA Z  
4740 E ARROYO VERDE DR  
PARADISE VALLEY  
AZ85253

SURVIVORS TRUST  
6329 N 44TH ST  
PARADISE VALLEY  
AZ85253

GARY G KELTNER AND MARY D KELTNER  
TRUST  
4601 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

BRUNER JOHN A & Nanci J  
6401 N 46TH ST  
PARADISE VALLEY  
AZ85253

MURPHY ALVIN D/BISHOP KELLY C  
4615 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

WEINRAUB RICHARD/ROBIN TR  
4637 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

WHITMORE IAN/PETRONELLA  
4641 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

L DOUGLAS DRURY REVOCABLE  
TRUST/SANDRA B DRURY REVOCABLE  
TRUST  
4628 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

BABCOCK REICHENBACH FAMILY TRUST  
4616 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

KITE ROBERT H TR  
4600 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

STEMMLER JOHN EDWARD JR/LISA JOY  
4554 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

STEPHENS EMERSON/BRUNET-  
STEPHENS DEBORAH  
54923 HERITAGE LINE  
STRAFFORDVILLE  
ONNOJ 1Y0

PEBBLE RIDGE DEVELOPMENT LLC  
6333 E CATESBY RD  
PARADISE VALLEY  
AZ85253

WRAY TIM F/ERICA J  
4524 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

ROCHE JAMES  
4514 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

FRANKLIN D LOFFER JR FAMILY TRUST  
4523 E PEBBLE RIDGE RD  
SCOTTSDALE  
AZ85253

GOMEZ-MARX REVOCABLE TRUST  
4553 E PEBBLE RIDGE RD  
PARADISE VALLEY  
AZ85253

WOLANYK KATHARINE  
4754 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253

GALBUT MARTIN R/CYNTHIA ANN TR  
6201 N 47TH PL  
PARADISE VALLEY  
AZ85253

SUZANNE H WHEATON TRUST  
4716 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253

LATHROP THOMAS C/JANET J TR  
6216 N 47TH PL  
PARADISE VALLEY  
AZ85253

BAUM DAVID/KRELL JAMIE  
6239 N 47TH ST  
PARADISE VALLEY  
AZ85253

NICHOLS KEVIN/KELSEY  
2306 N ROSEMONT CIR  
WICHITA  
KS67228

WALLACE JOHNSON TRUST  
6246 N 47TH ST  
PARADISE VALLEY  
AZ85253

SACHAR RUCHITA/SINGH DIVYA J  
6234 N 47TH ST  
PARADISE VALLEY  
AZ85253

MARKHAM MICHAEL F JR/ALICIA  
6218 N 47TH ST  
PARADISE VALLEY  
AZ85253

WILLIAM AND CAROL HAYDEN  
REVOCABLE TRUST  
6208 N 47TH ST  
PARADISE VALLEY  
AZ85253

SANTORA GEORGE  
4701 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253

MARK FAMILY TRUST  
4711 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253

CLING DOUGLAS A  
730 W 22ND ST  
TEMPE  
AZ85282

HORNUNG FRANK/LISA/BELK  
DONNIE/SHANNON  
1311 N 79TH ST  
SEATTLE  
WA98103

HARNISH TYLER  
4745 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253



NOLEGGIO PARTNERS LLC-DESIGNATED  
SERIES B  
4757 E VALLEY VISTA LN  
PARADISE VALLEY  
AZ85253

HUNG HELEN S  
4701 E MARSTON DR  
PARADISE VALLEY  
AZ85253

TAILLIEU MAVIS  
10155 E SAN SALVADOR DR  
SCOTTSDALE  
AZ85258

BDB LUXURY RENTALS - MARSTON LLC  
PO BOX 6343  
SCOTTSDALE  
AZ85261

BANKO PETER ROBERT/PARIVASH TR  
4731 E MARSTON DR  
PARADISE VALLEY  
AZ85253

TDM TRUST  
4741 E MARSTON DR  
PARADISE VALLEY  
AZ85253

KALEC-KARBO LIVING TRUST  
4751 E MARSTON DR  
PARADISE VALLEY  
AZ85253

SIRAGUSA FAMILY REVOCABLE TRUST  
4761 E MARSTON DR  
PARADISE VALLEY  
AZ85253

BENAVIDEZ JOSEPH/ALISHA  
4801 E MARSTON DR  
PARADISE VALLEY  
AZ85253

MUKAVITZ-ONDRACEK FAMILY TRUST  
4834 E MARSTON DR  
PARADISE VALLEY  
AZ85253

GLOVIS MICHAEL J/ROXANNE L  
4824 E MARSTON DR  
PARADISE VALLEY  
AZ85253

YEATES FAMILY TRUST  
4814 E MARSTON DR  
PARADISE VALLEY  
AZ85253

HORSEMAN QUALIFIED SPOUSAL TRUST  
4800 E MARSTON DR  
PARADISE VALLEY  
AZ85253

OLAND WEST FAMILY TRUST  
4750 E MARSTON DR  
PARADISE VALLEY  
AZ85253

PADNICK FAMILY TRUST  
7710 E GAINEY RANCH RD UNIT 233  
SCOTTSDALE  
AZ85258

DEIDMONT PROPERTIES LLC  
7227 N DREAMY DR STE 4  
PHOENIX  
AZ85020

BOULWARE JOHN  
CARLETON/DONNELLY KATHLEEN MARY  
4720 E MARSTON DR  
PARADISE VALLEY  
AZ85253

MICHAELB ZEDDIES AND SHARON F  
ZEDDIES TRUST  
4710 E MARSTON DR  
PARADISE VALLEY  
AZ85253

KLUSMAN SHERRY LYNN  
4700 E MARSTON DR  
PARADISE VALLEY  
AZ85253

STUHL MICHELLE HOPE  
PO BOX 430  
SHOKAN  
NY12481

CAMELHEAD ESTATES UNIT III OWNERS  
ASSN INC  
PO BOX 15041  
PHOENIX  
AZ85060

PARADISE VALLEY TOWN OF  
6401 E LINCOLN DR  
PARADISE VALLEY  
AZ85253

GUNNALA SURENDER/SUJATHA TR  
6161 N 44TH PL  
PARADISE VALLEY  
AZ85253

CERTOSA INC  
1818 GILBRETH RD 123  
BURLINGAME  
CA94010

FELKER RICHARD J /KATHLEEN M  
4499 E VALLEY VISTA LN  
SCOTTSDALE  
AZ85253

SWICKARD PARADISE VALLEY LLC  
1650 SPRING GATE LN  
LAS VEGAS  
NV89134

RJN FAMILY TRUST  
6021 N 44TH ST  
PARADISE VALLEY  
AZ85253

HENDRIX JANIE  
1000 1ST AVE UNIT 1801  
SEATTLE  
WA981041081

MATTIONI FAMILY TRUST  
6101 N 44TH ST  
PARADISE VALLEY  
AZ852533917

REINHOLD H MARSONER TRUST  
6199 N 44TH ST  
PARADISE VALLEY  
AZ85253

MARTONE JONATHAN/KINDRA D 4402 E VALLEY VISTA LN PARADISE VALLEY AZ85253	BKN REVOCABLE TRUST 4424 E VALLEY VISTA LN PARADISE VALLEY AZ85253	4456 E VALLEY VISTA LANE LLC 4456 E VALLEY VISTA LN PARADISE VALLEY AZ85253
REMI LLC 1821 LOGAN AVE CHEYENNE WY82001	MLS232 LLC 2017 E LA VIEVE LN TEMPE AZ85284	DAS ENTERPRISES SEPARATE PROPERTY TRUST 4490 E VALLEY VISTA LN PARADISE VALLEY AZ85253
SMITH DIANA ELLIS TR 6315 N 44TH ST PARADISE VALLEY AZ85253	BROWN CHAD E/KRISTIN M 6301 N 44TH ST PARADISE VALLEY AZ85253	LYNN ROBERT A 1150 18TH ST SANTA MONICA CA90403
ETHAN EVERETT LLC 9393 N 90TH ST STE 102 SCOTTSDALE AZ85258	WATKINS TRAVIS/PEARL-WATKINS JENNIFER L 4330 E MCDONALD DR PARADISE VALLEY AZ85253	ARNELL BRENDEN FAMILY TRUST 4324 E MCDONALD DR PARADISE VALLEY AZ852533933
MESQUITE LANE TRUST PO BOX 10567 PHOENIX AZ850640567	KARSA MICHAEL JOSEPH 6033 N 43RD ST PARADISE VALLEY AZ85253	FRIEL KEVIN M 6030 N 43RD ST PARADISE VALLEY AZ85253
MICHAEL A DINAN REVOCABLE TRUST 307 N GATEWAY BLVD PHOENIX AZ85008	KIDESS REEM 4301 E KEIM DR PARADISE VALLEY AZ85253	HAZELWOOD DAN/ELIZABETH BLAISE 4329 E KEIM DR PARADISE VALLEY AZ85253
TEETER WAYNE A/CATHARINE R 4343 E KEIM DR PARADISE VALLEY AZ85253	844 LLC 6038 N 44TH ST PARADISE VALLEY AZ85253	HOFSTETTER KENNETH TR 4338 KEIM RD PARADISE VALLEY AZ85253
DIANE K SHAH LIVING TRUST 1016 FIFTH AVE APT 5D NEW YORK NY10028	ANTO FLO LLC 8800 N 65TH ST PARADISE VALLEY AZ85253	MOULTON REVOCABLE TRUST 2117 E BEAVER LAKE DR SE SAMMAMISH WA98075
WIGHT LIVING TRUST 4321 E ROSE LN PARADISE VALLEY AZ85253	PANANIDES ALEX N TR 503 BATH ST SANTA BARBARA CA93101	HELDT FRANK E/PATRICIA S TR 4306 E KEIM DR PARADISE VALLEY AZ85253
CUNNINGHAM DAVID E/YVONNE TR 4305 E ROSE LN PARADISE VALLEY AZ85253	SINGH/KAUR FAMILY TRUST 4252 E MARLETTE AVE PARADISE VALLEY AZ85253	KIRSTEN ROMMESMO FAMILY IRREVOCABLE TRUST 4401 MAIN AVE FARGO ND58103



WOSABA CHARLES L/MEGAN S TR 4265 E CLAREMONT PARADISE VALLEY AZ85253	HOLYOAK GARTH W/KATHLEEN K TR 4255 E CLAREMONT ST PARADISE VALLEY AZ85253	KULL FAMILY TRUST 4245 E CLAREMONT AVE PARADISE VALLEY AZ85253
CREASMAN FAMILY TRUST 6340 N 44TH ST PARADISE VALLEY AZ85253	ROBERT L SCHWARTZ AND JILL SCHWARTZ TRUST 4334 E ROSE LN PARADISE VALLEY AZ85253	BEUCHAT MICHAEL C 4320 E ROSE LN PARADISE VALLEY AZ85253
BURCK PAUL/JOANN 10339 W 81ST AVE ARVADA CO80005	POST WILLIAM J/MARY KAY TR 4235 E CLAREMONT AVE PARADISE VALLEY AZ85253	AMS TRUST I 4228 E CLAREMONT AVE PARADISE VALLEY AZ85253
LIU ZHIYU/SHEN KEKE 4250 E CLAREMONT AVE PARADISE VALLEY AZ85253	JOSEPH R VOLK III REVOCABLE TRUST/REGINA A VOLK REVOCABLE TRUST 4241 E MARLETTE AVE PARADISE VALLEY AZ85253 PV5 FAMILY TRUST 6102 E GOLD DUST AVE PARADISE VALLEY AZ85253	PHILIP STEARNS TRUST 4601 E ARROYO VERDE DR PARADISE VALLEY AZ85253
1000227070 ONTARIO LTD 805 BURLINGTON ONLT7 2J7		HORN RICHARD A/JANE H 4711 E ARROYO VERDE PARADISE VALLEY AZ85253
KRUMHOLZ BARRY/CAROLYN K PETTIT TR 4723 E ARROYO VERDE DR PARADISE VALLEY AZ85253	ARROYO ASSET TRUST 4735 E ARROYO VERDE DR PARADISE VALLEY AZ85253	OLIVER MICHAEL RAY LIVING TRUST 4747 E ARROYO VERDE DR PARADISE VALLEY AZ85253
TANNENBAUM MANAGEMENT LLC 7162 N PENNSYLVANIA ST INDIANAPOLIS IN46240	NACHMAN REVOCABLE TRUST 4768 E VALLEY VISTA LN PARADISE VALLEY AZ85253	WILENCHIK DENNIS I 4769 E VALLEY VISTA LN PARADISE VALLEY AZ85253
BADEER CAROLINE 4787 E VALLEY VISTA LN PARADISE VALLEY AZ85253	VACT HOUSES LLC 4408 N 12TH ST STE 200 PHOENIX AZ85014	VOLK CHRISTOPHER H/HOLLIS B H TR 6324 N 48TH PL PARADISE VALLEY AZ85253
MALEDON MICHAEL 6440 N 48TH ST PARADISE VALLEY AZ85253	UPPAL FAMILY TRUST 6400 N 48TH ST PARADISE VALLEY AZ85253	SHARON DUPONT MCCORD REVOC LIV TRUST 6360 N 48TH ST PARADISE VALLEY AZ85253
SANSONE DWAYNE 4805 E PEBBLE RIDGE RD PARADISE VALLEY AZ85253	STRANEVA MICHAEL E/MARY RYAN TR 4809 E PEBBLE RIDGE RD PARADISE VALLEY AZ85253	RAVI KUMAR/JYOTSNA 4811 E PEBBLE RIDGE RD PARADISE VALLEY AZ85253

WILLEY LIVING TRUST PO BOX 5629 KETCHUM ID83340	ESTATES AT LINCOLN HOMEOWNERS ASSOCIATION 532 E MARYLAND AVE STE F PHOENIX AZ85012	WULF THOMAS A/COURTNEY E 4528 E LINCOLN DR PARADISE VALLEY AZ85253
VACCARO JASON 6529 N MOUNTAIN VIEW RD PARADISE VALLEY AZ85253	SCHULTZ DANIEL J/ELIZABETH M 6002 N 45TH ST PARADISE VALLEY AZ85253	ZANCANELLI GARY L JR/KIM JULIE 6001 N 45TH ST PARADISE VALLEY AZ85253
SCHLOSSER KARA J 4554 E MCDONALD DR PARADISE VALLEY AZ85253	FANNIN PAUL R/SHARON A TR 6024 N 45TH ST PARADISE VALLEY AZ85253	RONALD JAY COHEN REVOCABLE TRUST 2425 E CAMELBACK RD STE 1100 PHOENIX AZ85016
ROBERT BROWN HOFFMAN AND KRISTIN C HOFFMAN RE 6035 N 45TH ST PARADISE VALLEY AZ85253	BINGHAM GEOFFREY S TR 2890 SW RIVERFRONT TER WILSONVILLE OR97070	5930 N 45TH PLACE LLC 3023 N 81ST ST SCOTTSDALE AZ85251
THOMPSON KAREN M TR 5926 N 45TH PL PHOENIX AZ85018	SHAPIRO FAMILY TRUST 5920 N 45TH PL PHOENIX AZ85018	LAL SURESH 4502 E PALO VERDE DR PHOENIX AZ85018
NAJMA USMANI REVOCABLE TRUST 5911 N 45TH ST PHOENIX AZ85018	JOSEPH M BRODNER REVOCABLE LIVING TRUST 7161 E RANCHO VISTA DR UNIT 5012 SCOTTSDALE AZ85251	CERON CARLOS R 5923 N 45TH ST PHOENIX AZ85018
MENDENHALL COLE/SARAH 5918 N 45TH ST PHOENIX AZ85018	PREMIER REAL ESTATE FUNDING LLC 10645 N TATUM BLVD STE C200 PMB 305 PHOENIX AZ85028	WILES FAMILY REVOCABLE TRUST 4442 E PALO VERDE DR PHOENIX AZ85018
BLUE POINT TRUST 4418 E PALO VERDE DR PHOENIX AZ85018	REGAN FAMILY TRUST 4406 E PALO VERDE DR PHOENIX AZ85018	PALO VERDE GP INC 3031 LINDEN DR SW CALGARY ABT3E 6C8
LAUREL E BULLOCK TRUST 0N070 ALEXANDER DR GENEVA IL60134	PETER AND ELIZABETH WAND FAMILY TRUST 4523 E PALO VERDE DR PHOENIX AZ85018	LORETTA MCQUIDDY REVOCABLE TRUST 5921 N 45TH PL PHOENIX AZ85018
JOHN AND HEATHER NASSAR REVOCABLE TRUST 5927 N 45TH PL PHOENIX AZ85018	HERITAGE HILLS HOMEOWNERS ASSOCIATION PO BOX 62073 PHOENIX AZ85040	GILES LAURA C/COLBY 4712 E PALO VERDE DR PHOENIX AZ85018



ROBERT L MOSS FAMILY TRUST  
4702 E PALO VERDE DR  
PHOENIX  
AZ85018

STEINER BART E/DAISY C  
4638 E PALO VERDE DR  
PHOENIX  
AZ85018

KAT FAMILY TRUST  
884 LOMA BONITA PL  
LAS VEGAS  
NV89138

4622 E PALO VERDE DRIVE LLC  
2501 E LUKE AVE  
PHOENIX  
AZ85016

DECKER DAVID A/DENISE M  
4614 E PALO VERDE DR  
PHOENIX  
AZ85018

FREEMAN SCOTT D/LAURA A  
4606 E PALO VERDE DR  
PHOENIX  
AZ85018

SHREVES ANGELA T/SPADAFORÉ GARY  
TR  
4602 E PALO VERDE DR  
PHOENIX  
AZ85018

FRANK B WALLACE LIVING TRUST  
4601 E PALO VERDE DR  
PHOENIX  
AZ85018

KOEPNICK JOSEPH GARY/SCHWARTZ  
STEPHANIE YVONN  
4605 E PALO VERDE DR  
PHOENIX  
AZ85018

LELAND AND DEDRA CANNON LIVING  
TRUST  
4611 E PALO VERDE DR  
PHOENIX  
AZ85018

PADGETT WILLIAM G II  
4621 E PALO VERDE DR  
PHOENIX  
AZ85018

MILLER GERALD D  
4629 E PALO VERDE DR  
PHOENIX  
AZ85018

KINSEY RICHARD NORMAN  
401 EDWARDS ST STE 1805  
SHREVEPORT  
LA71101

FLORA BRIAN/ERIKA  
1220 N ST NW  
WASHINGTON  
DC20005

KUCHARO TRUST  
5848 N 44TH ST  
PHOENIX  
AZ85018

MOSBY MARGARET  
4335 E MCDONALD DR  
PHOENIX  
AZ85018

DE LEON EZEQUIEL/MICHELLE  
1513 EAGLES LN  
LAREDO  
TX78045



## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT THE TOWN OF PARADISE VALLEY BOARD OF ADJUSTMENT WILL HOLD A HEARING ON THE FOLLOWING PROPOSED PROJECT. IF YOU HAVE QUESTIONS ABOUT THIS APPLICATION, PLEASE CALL THE PLANNING DIVISION AT (480) 348-3692.**

Applicant/Representative: \_\_\_\_\_

Applicant's Company Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Project/Property Address: \_\_\_\_\_

Zoning: \_\_\_\_\_ Acreage: \_\_\_\_\_

Project Narrative:

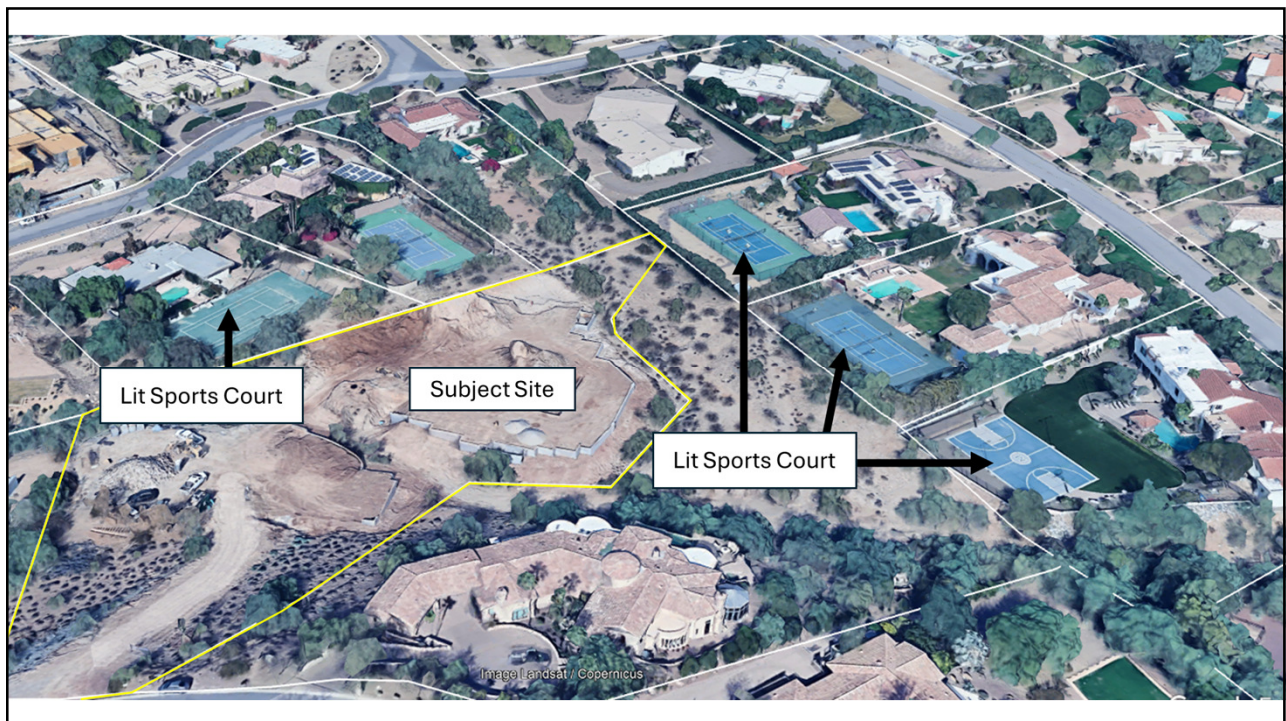
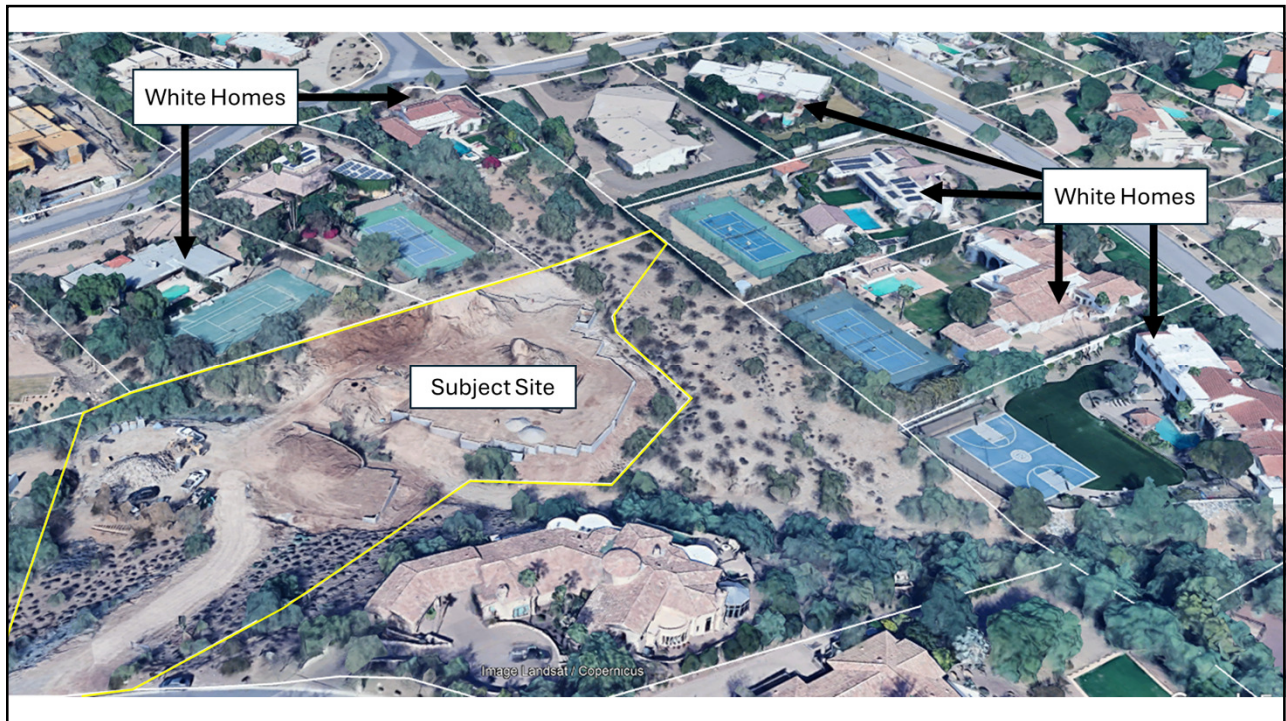
### MEETING DATE/ TIME/PLACE

Meeting Date: \_\_\_\_\_ Meeting Time: \_\_\_\_\_

Meeting Place: Town of Paradise Valley Town Hall Building. 6401 E. Lincoln Drive. Paradise Valley, AZ 85253  
*Language regarding remote participation requirements on next page (as determined by staff)*

Planning Division: 480-348-3692







# TOWN OF PARADISE VALLEY

Case BA-25-05

4474 E Valley Vista Lane

Hillside color and sport court lighting  
Variance

**Board of Adjustment  
June 4, 2025**





## TODAY'S GOAL

---

- Review and take action on variance request:
  - To exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.



June 4, 2025

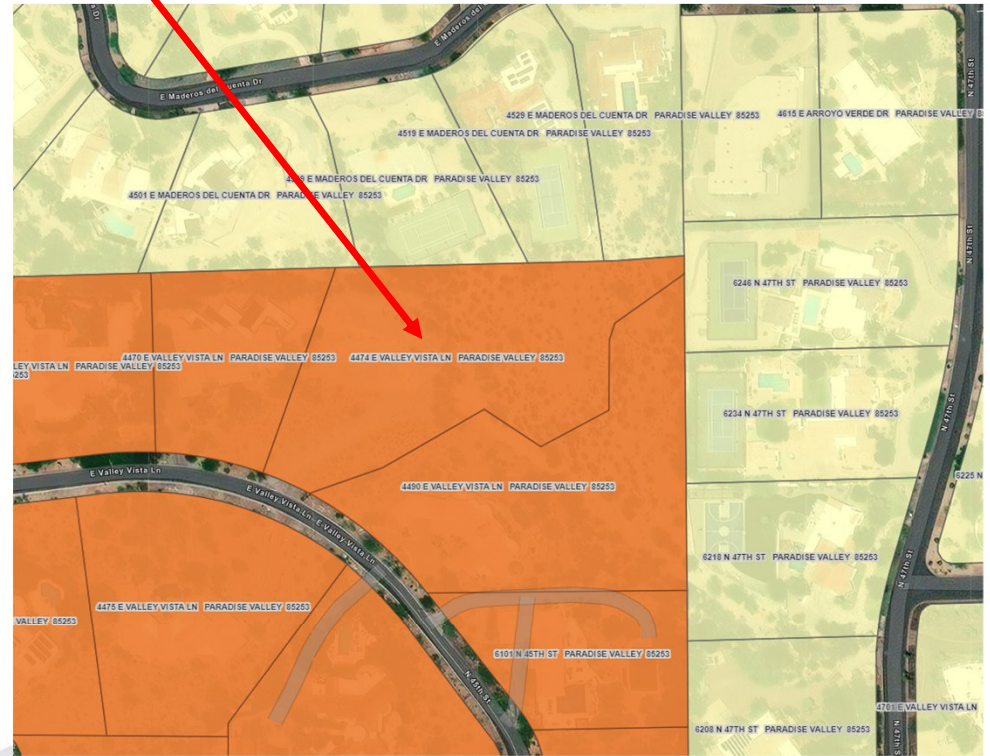
# AGENDA

- Background
- Scope of Request
- Analysis & Recommendation
- Action



June 4, 2025



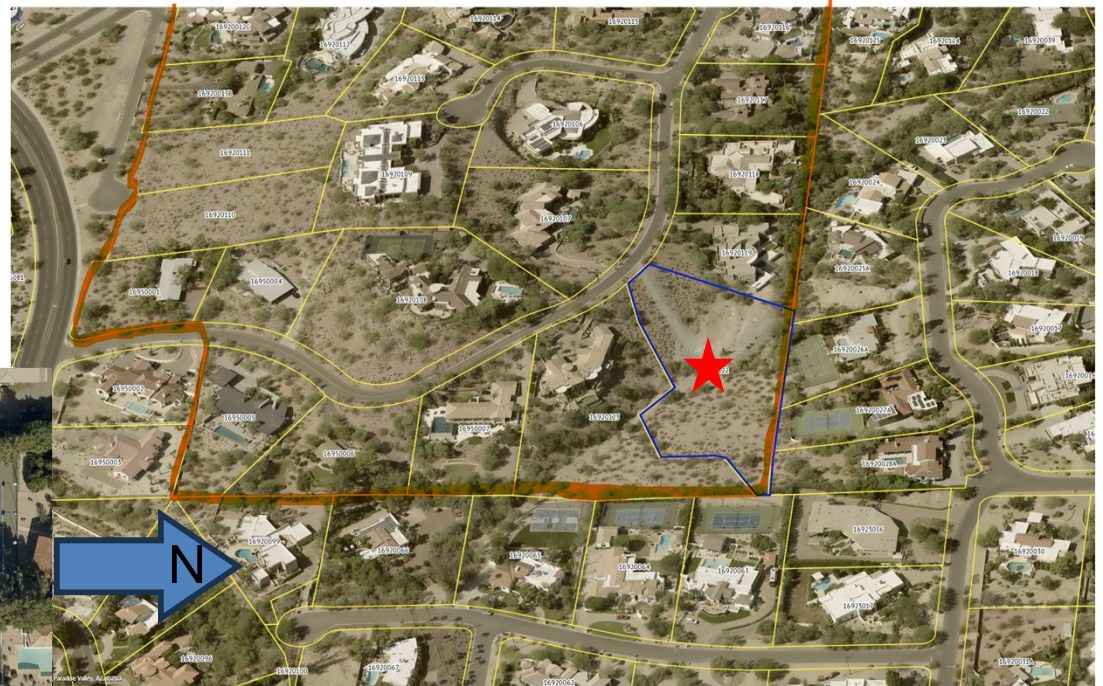
[illegible]

132



# SITE CONDITIONS

- Zoned R-43 Hillside
- 95,610 sq ft  
(2.195 ac)
- Platted in Maricopa County in 1994 Lot 1 Saguaro



June 4, 2025



# SITE CONDITIONS

- Undeveloped lot until recent permit.
- Hillside Building Committee Review hearings:
  - Concept Review October 12, 2022
  - Formal Review April 12, 2023
  - Combined Review April 16, 2025




June 4, 2025

# HISTORY

---

- Undeveloped lot until recent permit
- Hillside Building Committee Review hearings:
  - Concept Review October 12, 2022
  - Formal Review April 12, 2023
  - Combined Review April 16, 2025
- Ongoing Construction



June 4, 2025



# TOWN HILLSIDE REQUIREMENTS

---

- Article XXII, Hillside Development Regulations
  - Section 2207 DEVELOPMENT STANDARDS
    - II. ARCHITECTURAL STANDARDS.
      - D. Materials used for exterior surfaces such as structures, walls, roofs and fences shall *blend with the surrounding natural setting* and avoid high contrasts. There shall be no paint or material colors used which have a **LRV** (*Light Reflecting Value*) greater than thirty-eight (38) percent. Materials and color used for exterior surfaces are subject to Hillside Building Committee review and approval. The applicant must demonstrate how *the materials and colors used for the exterior surfaces blend in with the natural surroundings and settings*. Limited use of contrasting accent colors (in excess of 38% LRV) for small elements, including, but not limited to items such as doors and window mullions, may be allowed upon explicit approval of the Hillside Building Committee.

June 4, 2025



# TOWN HILLSIDE REQUIREMENTS

- Article XXII, Hillside Development Regulations
  - Section 2208 OUTDOOR LIGHTING
    - A. Purpose: The intent of these lighting requirements is to *preserve the low light level conditions* that are inherently characteristic of the desert. The objective is to allow only the quantity and level of lighting necessary for safety, security and the enjoyment of outdoor living while *protecting against direct glare and excessive lighting*; protecting the ability to view the *night sky*; and *preventing light trespass*.
    - G. Prohibitions. In addition to the limitations noted above, the following lights or lighting effects are *strictly prohibited*:
      1. Colored lamps or bulbs and string and unshielded rope lights; except that temporary holiday lighting shall be permitted between *October 15th & January 15th*.
      2. *Tennis court and sport court lighting*.
      3. Any temporary lighting that violates the provisions of this lighting section.
      4. Exterior lights, except security lighting, that illuminate the adjoining mountainside such that the mountainside is visible from off the property between sunset and sunrise.

June 4, 2025





## SCOPE OF REQUEST

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- Variance Request from Article XXII, Hillside Development Regulations :
  - To exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment
  - To allow *strictly prohibited lights or lighting effects* for tennis court and sport court lighting.

June 4, 2025



# SITE CONDITIONS (EXHIBITS)

## Exhibit A: Site Context Map

Identifies the higher-sloped areas on the adjacent property compared to the subject property



## Exhibit B: USGS Topographic Map

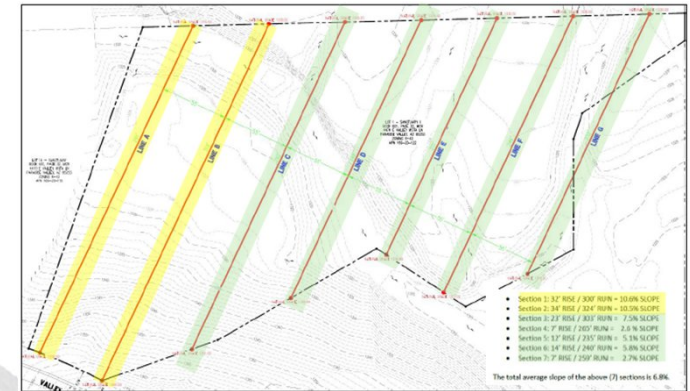
90% has a slope of less than 10%



## Exhibit C: Hillside Slope Analysis

Average slope is 6.8% across seven representative cross sections.

Building pad slope is approximately 3.7%





# HILLSIDE APPROVED MATERIALS

- Hillside Formal Review  
April 12, 2023

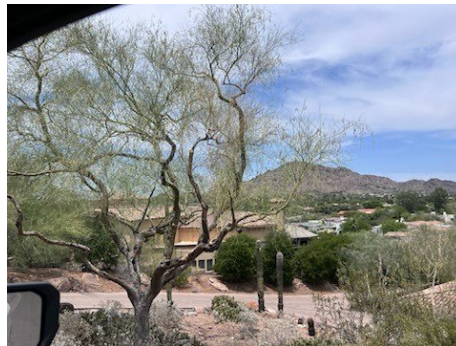
Materials approved meet the Light Reflection Value requirements at the lightest levels LRV 36-38%



June 4, 2025

# VALLEY VISTA LN HOMES

## E Valley Vista LN Homes



June 4, 2025



# SITE PHOTOS

## Pre-development Photos



June 4, 2025

# SITE PHOTOS

Neighbor to the left  
4470 E Valley Vista LN



June 4, 2025



# SITE PHOTOS

Neighbor to the left  
4490 E Valley Vista LN



June 4, 2025

## ANALYSIS

- “There are no special circumstances applicable to the property, which may include circumstances related to the *property’s size, shape, topography, location, or surroundings*; and” (Town Code Section 2-5-3(C)4).
  - The property is *not burdened* with adverse topographical features which incumbrance the development from meeting compliance with color and LRV requirements. The addition of sport court lighting is in direct conflict with the intent and objective of the Section 2208 Outdoor Lighting to maintain low light levels and protect the ability to view the night sky. Exhibits showing the home does not meet Hillside zoning designation could be used to apply for removal from Hillside zoning (provided the home designed under hillside can meet non-hillside).



June 4, 2024



## ANALYSIS

---

- “That the special circumstances applicable to the property were not self-imposed or created by the property owner; and” (Town Code Section 2-5-3(C)4).
- The property is not burdened with adverse topographical features which incumbrance the development from meeting compliance with color and LRV requirements. The addition of sport court lighting would be in direct conflict with the intent and objective of the Section 2208 Outdoor Lighting to maintain low light levels and protect the ability to view the night sky.



June 4, 2024

## ANALYSIS

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- “That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district” (Town Code Section 2-5-3(C)4).
- The property is at the edge of the Hillside zoning designation and the adjacent properties to the north and east are not Hillside. The home is highly visible from the street and the highly visible to the two adjacent Hillside designated neighbors. The adjacent homes with Hillside zoning classification meet the material, color, and LRV requirements. Neighboring homes within Hillside have sport courts and do not have sport court lights.



June 4, 2024



# ANALYSIS

---

## ■ Property hardships do not exist

- Section 2207 of the Town Zoning Ordinance states that materials used on exterior surfaces of the home including walls, roofs, and fences shall blend with the surrounding natural setting. In addition, paint and material colors cannot exceed a light reflection value or LRV of 38%.
- Section 2208 of the Town Zoning Ordinance regulates and limits the amount and level of lighting necessary for safety, security and enjoyment of outdoor living while protecting against direct glare and light pollution which reduces the ability to view the night sky. With this intent the code strictly prohibits tennis court and sport court lighting.



June 4, 2024

# STAFF RECOMMENDATION


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## MOTION

**Denial of** Case No. BA-25-05, a request by Ty Utton (Rose law Group), on behalf of the property owners of 4474 E Valley Vista Lane; for a variance from, Article XXII, Hillside Development Regulations to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.

## REASONS FOR DENIAL

- Staff finds that there are no property hardships that warrant the variance and that the request does not meet all three variance criteria.



June 4, 2025



## POSSIBLE ACTIONS

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1. Deny the variance request
2. Approve variance request with following stipulations:
  - a) The applicant must obtain the required Hillside Review and building permits and inspections from the Town's Building Division.
3. Continue for further review

# QUESTIONS?



June 4, 2025



# Variance Request 4474 E. Valley Vista Lane

Request to Permit White Exterior Paint & Shielded Sport Court  
Lighting

BA-25-03

June 4th, 2025

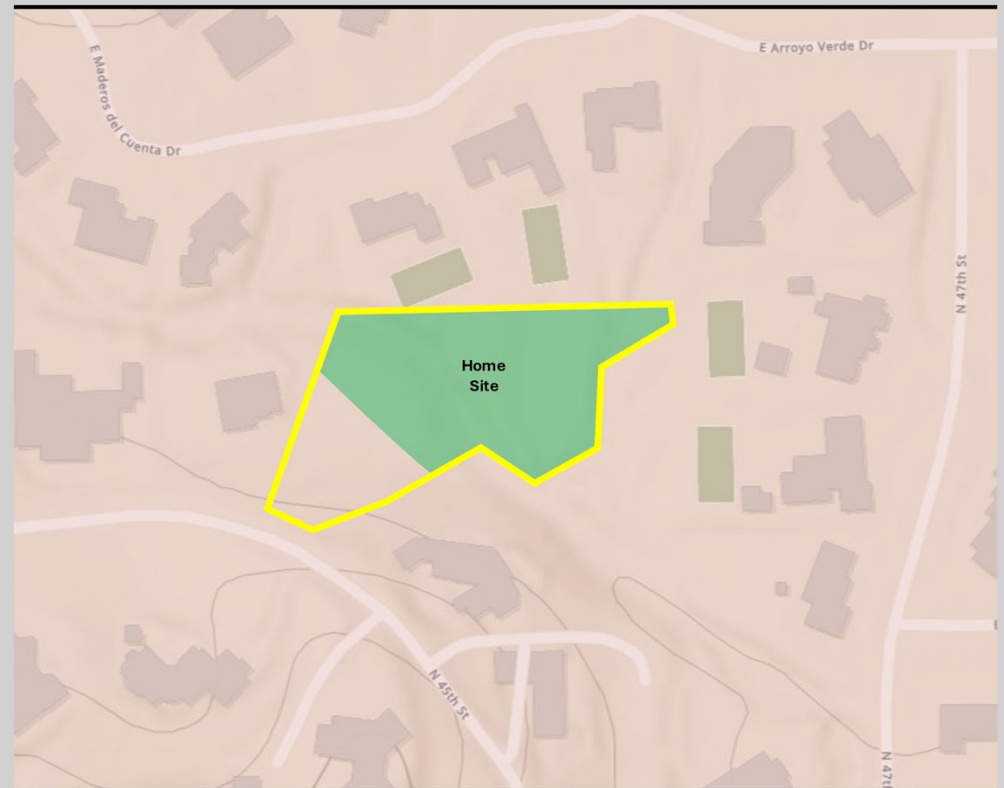
# Request Summary

- White exterior paint with LRV >38%
- Installation of downward-directed, shielded sport court lighting
- Both proposed improvements located on flat, visually contained portion of the site
- Request is for parity with adjacent non-Hillside properties



# Hillside Designation – Context

- Hillside designation triggered by narrow slope at driveway entry
- 90% of property is flat (Building Pad Slope: 3.70%)
- Home and improvements sited on flat area, not on visible slope



USGS Topographic Map

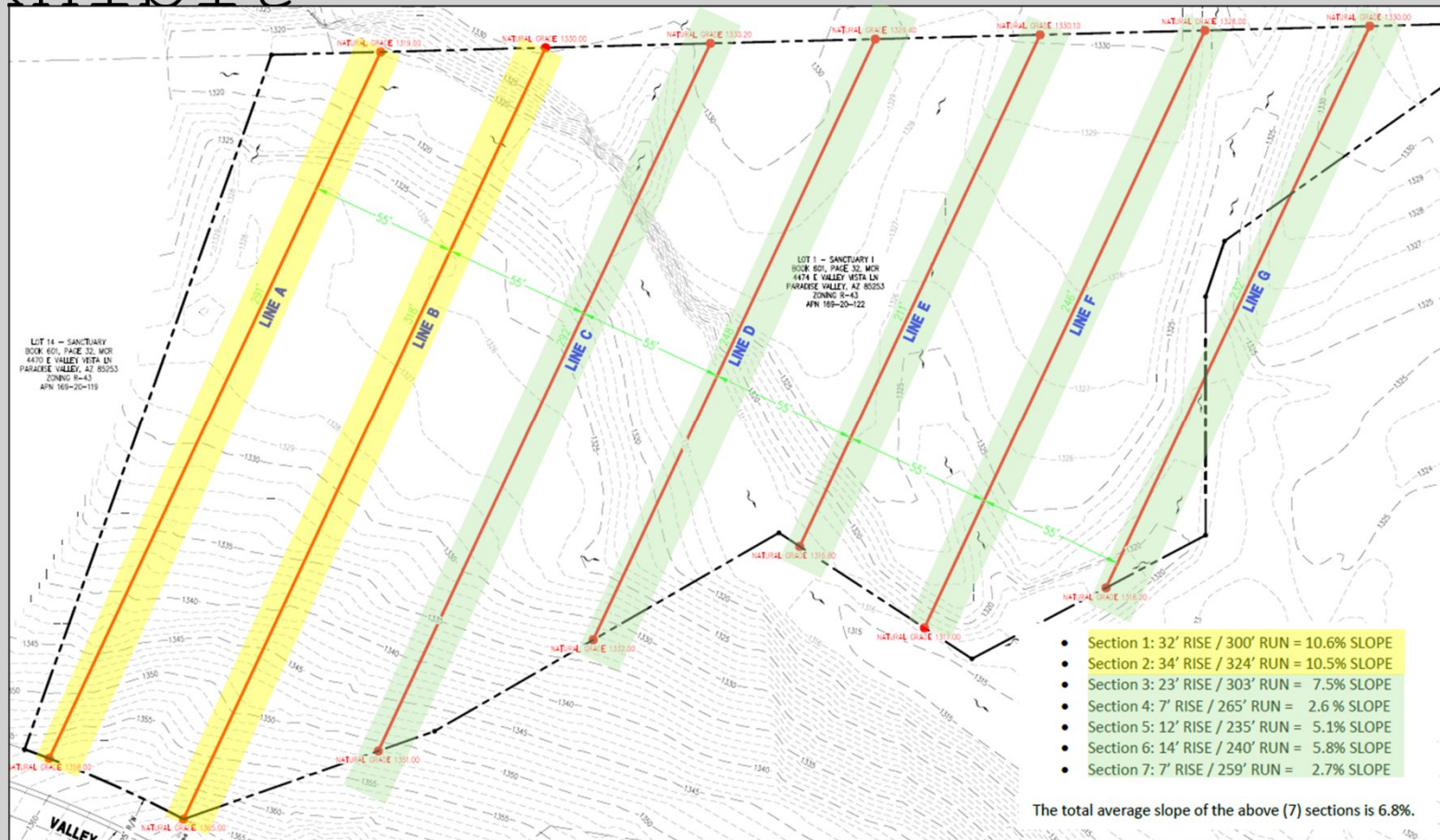
# Variance Criterion 1 – Special Circumstances

- Unique physical constraints: narrow band of slope + 40' drainage wash splits the lot
- Development limited to one flat interior area
- Home and court are not visible from public viewsheds





# Approved Hillside Slope Exhibit



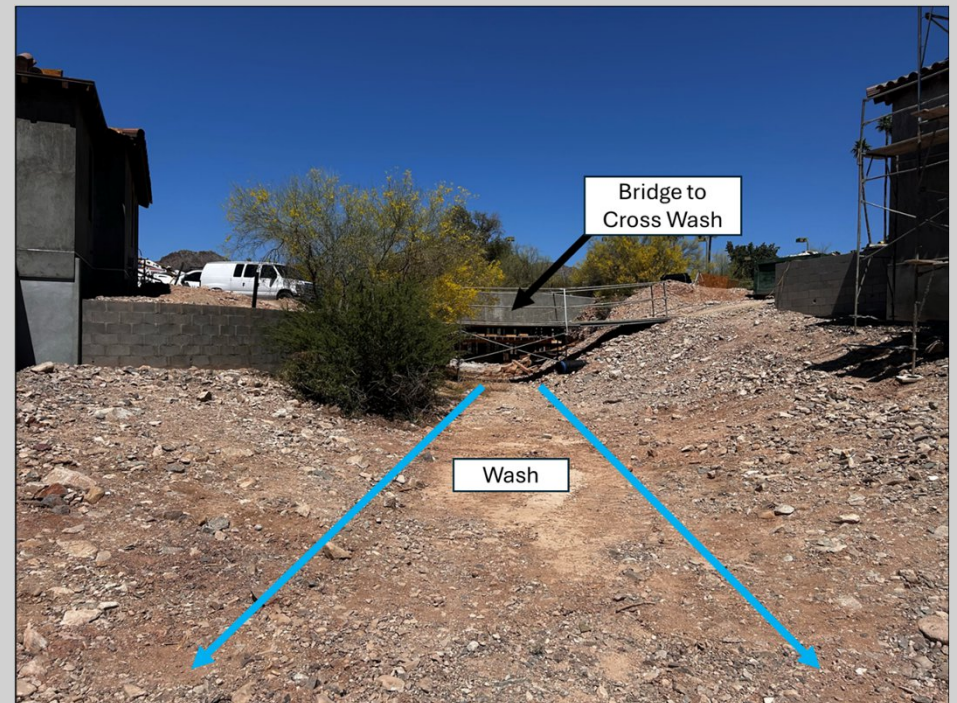
# Variance Criterion 2 – Not Self-Imposed

- Hillside classification imposed due to minor slope at front
- Siting of home on flat portion avoids grading on actual hillside
- Constraints (wash, slope band) are natural and pre-existing





# Variance Criterion 2 – Not Self-Imposed



# Variance Criterion 3 – Deprivation of Privileges

- Nearby homes on similarly flat lots have:
  - White exteriors
  - Lighted sport courts
- Property only zoned Hillside due to mapping method, not terrain





# Environmental Integrity Preserved

- No grading/disturbance on steep areas
- Paint and lights will not be visible from surrounding right of way
- Lighting is shielded, downward-facing, per Section 502(9)(c)
- Darker paint would serve no public purpose; lighting allows recreational use without offsite impacts

# Legal Precedent

- 1982 Board granted variance for off-white home on Mummy Mountain
- Same logic applies here: visual containment, no scenic impact
- Reinforces variance criteria can be satisfied where the purpose of Hillside Regs is not compromised



# Alternatives Would Impose Undue Burden

- Denial would:
  - Eliminate common residential amenities
  - Force design changes that have no public benefit
  - Treat applicant unequally compared to neighbors
- No feasible location exists for an unlit court elsewhere on the lot

# Conclusion & Request

- Variance meets all three criteria:
  - Special topographic and drainage constraints
  - Not self-imposed
  - Denial deprives applicant of commonly exercised rights
- Proposal honors the *intent* of Hillside Ordinance
- Respectfully request approval of the variance







# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

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**File #:** 25-120

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**AGENDA TITLE:**  
Approval of May 7, 2025 Board of Adjustment Minutes.

**STAFF CONTACT:**



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes – Draft

### Board of Adjustment

*Chair Eric Leibsohn*  
*Boardmember Ken Barnes*  
*Boardmember Joseph Contadino*  
*Boardmember James Kuykendall*  
*Boardmember Hope Ozer*  
*Boardmember Bill Petsas*  
*Boardmember Quinn Williams*

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Wednesday, May 7, 2025

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:30 PM.

#### **STAFF MEMBERS PRESENT**

Town Attorney John Gaylord  
Community Development Director Chad Weaver  
Senior Planner George Burton  
Town Planner II Brandon McMahon  
Lead Management Specialist Cherise Fullbright

#### 2. ROLL CALL

**Present –** Chair Eric Leibsohn  
Boardmember Ken Barnes  
Boardmember Joseph Contadino  
Boardmember James Kuykendall  
Boardmember Hope Ozer  
Boardmember Bill Petsas  
Boardmember Quinn Williams

#### 3. EXECUTIVE SESSION

#### 4. STUDY SESSION ITEMS

#### 5. PUBLIC HEARINGS

- A. 25-039 Discussion and Possible Action on Case No. BA-25-05  
Tamplen Variance – 5211 N Quail Run PI (APN 173-18-012)  
Variance to exceed the maximum allowable floor area ratio (FAR)  
limit**

Mr. McMahon presented the item, which was continued from the April 2<sup>nd</sup> meeting date due to a posting error. He displayed a vicinity map showing the location of the property, then discussed current site conditions, history, and the scope of the request. Mr. McMahon



shared details of the request including a site plan, a survey of the lot, exterior building elevations, and public comment. He stated that staff's analysis found no size, shape, or topographical hardships that prohibit compliance and staff is therefore recommending denial.

Boardmember Ozer asked if the request was to replace the existing ramada or approve what has already been built. She confirmed that the other awnings on the property were included in the overall Floor Area Ratio (FAR) calculation.

Mr. McMahon advised that the request was to approve the current pool ramada which was built without permits, so that it may remain in place.

Matthew Tamplen, the property owner, introduced himself and his contractor Taylor Rab. Mr. Tamplen spoke about the design of the home, size of the lot, FAR calculations completed by a surveyor, and his interpretation.

Mr. Rab talked about changes within his company and the permitting process in Paradise Valley. He requested grace so he and Mr. Tamplen could move forward to correct the unpermitted structure.

Boardmember Petsas asked if the easement impacted FAR and was informed by staff it did not.

Boardmember Barnes asked if the pool was a new construction. He wondered if the unpermitted ramada was built in conjunction with other permitted improvements on the site, and if the ramada was on the permitted plans.

Mr. Rab clarified that a new unattached spa was built, and he believed the ramada was included on those plan drawings but an application was not filed.

Mr. Tamplen talked about previous communications with staff related to FAR data and a carport.

Boardmember Barnes asked if the carport, which was removed, was built without permits, and it was confirmed the carport was built without permits.

Boardmember Ozer responded to Mr. Tamplen's comments about staff. Her response was echoed by Chair Leibsohn.

Boardmember Williams asked how much smaller the ramada would need to be to fix the issue. He was curious if the ramada needed to be removed or could be reduced in size.

Mr. McMahon confirmed there was 40 sq ft to work with.

Boardmember Petsas wondered if other coverage options were explored.

Chair Leibsohn opened the public comment at 6:10 PM.

Kathleen Clifford, a neighbor, spoke against the variance request. She spoke briefly about the history of the lot, as she has been a resident in the neighborhood for some time.

Amy Isaacs, a resident in the area, spoke in opposition to the variance request. She mentioned a previous remodel done to the property.

Chair Leibsohn closed the public comment at 6:15 PM.

Boardmember Ozer asked about FAR discrepancies.

Mr. McMahon confirmed the FAR discrepancy was between the Town measurements and the applicant measurements.

Boardmember Petsas asked what would happen if the variance was denied.

Mr. Burton advised that if the variance request was denied, the structure or a portion of the structure would need to be removed.

Boardmember Barnes talked about the removal of overhangs from the house as a solution to balance the structure.

Mr. McMahon confirmed that the existing structure could be modified to remove overhangs to make FAR work.

Boardmember Ozer shared her intent to deny the motion.

Chair Leibsohn asked about the authority of Board.

John Gaylord advised that the Board does not have authority to make a decision based on a permit or lack of permit. He reminded the Board that their decision should be focused on physical characteristics of the property, regardless if a permit was obtained or not. He reiterated that the Board's vote should be based on the variance criteria.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Contadino, to deny item 25-039. The motion failed by the following vote:**

**Aye:** 3 –Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall,

**Nay:** 4 – Chair Leibsohn, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

Chair Leibsohn suggested another motion be made.

**A motion was made by Boardmember Ozer, seconded by Boardmember Williams, to approve item 25-039 subject to stipulations. The motion carried by the following vote:**

**Aye:** 5 – Chair Leibsohn, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Nay:** 2 –Boardmember Barnes, Boardmember Kuykendall

Boardmember Ozer briefly addressed Mr. Tamplen.

**B. 25-098 Discussion and Possible Action on Case No. BA-25-01  
Fishman Variance – 6650 E Meadowlark Lane (APN 174-51-021)  
Variance to allow a detached garage to encroach into the side  
yard setback**

Mr. Burton presented the item. He showed a vicinity map and aerial view of the property, then spoke about site conditions, history of the lot, and details of the request. He also showed site plans and elevations to display the location of the garage. Mr. Burton shared that staff's analysis found no property hardships, so denial is recommended. He briefly addressed public comments.



Boardmember Williams questioned if there was a height issue with the original application, and Mr. Burton stated there was no height issue.

The applicant, Matthew Fishman, was introduced by his representative Kaylee Smith. Ms. Smith presented the item.

Boardmember Kuykendall asked what kind of vehicle would be going in the garage.

Ms. Smith stated the garage would house a large sprinter van and truck.

Chair Leibsohn addressed the visual impact mentioned by Ms. Smith. He asked her thoughts on there being a lack of greenery for shielding in the proposed area.

Ms. Smith shared an intention for additional hedges and greenery in the area.

Boardmember Kuykendall pointed out the walkway between the garage and guest house. He asked if the garage could be moved closer to the guest house.

Ms. Smith stated that code required 10 feet between an accessory unit and existing primary structure.

Boardmember Contadino commented that the structure would visually impact the houses at the end of the cul-de-sac. He expressed additional concern with the structure being more than a garage based on the size.

Ms. Smith stated that originally, they had wanted to add a bathroom and use the space as a gym, but those plans have been removed. She spoke about the garage, currently designed to house two vehicles.

Boardmember Barnes pointed out the setbacks necessary for the attached casita, and its height. He also addressed an earlier statement about hiding the sprinter van and asked if a motorhome could be parked on the street.

Mr. Burton confirmed that although the roof lines appeared to be connected to the primary home, the guest house was a detached accessory structure. He briefly noted setbacks for a detached accessory structure. He informed the Board that a motorhome would need to be parked and screened in the side or rear yard, it could not be parked on the street.

Chair Leibsohn opened and closed the public comment at 6:53 PM.

**A motion was made by Boardmember Ozer, seconded by Boardmember Kuykendall, to deny item 25-098. The motion carried by the following vote:**

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember William

**C. 25-075 Discussion and Possible Action on Case No. BA-25-02  
Amin Variance – 6521 N. 40<sup>th</sup> Place (APN 169-52-020)**

**Variance to allow a new single-family residence to encroach  
beyond allowable height limits**

Mr. Burton presented the item. He started by displaying an aerial photo of the R-43 lot, then discussed the background, scope of the request, history, site conditions, and public comments. Mr. Burton shared details related to the height encroachments, showed elevations, renderings and cross sections to display the slope of the lot. He addressed the staff analysis, noting that approval was being recommended.

Victor Sidy, the project architect, presented the item. He discussed Lowest Natural Grade (LNG) on the property, height encroachments, and the butterfly design.

Boardmember Contadino pointed out the raised building pad of the property and asked about visual impact on the neighborhood.

Mr. Sidy showed the contours of the site and discussed potentially reducing the pad height.

Commissioner Kuykendall commented on the height limits which are not only there for views but also to prevent imposing structures.

Mr. Sidy noted that height was measured from the LNG on the site. He explained that the spirit of the Hillside ordinance was used to dictate what he felt was an appropriate massing for this project. He further explained that the house was set back an additional 20 feet further than what was required, due in part to avoid some of the extreme contours on the site and to diminish the impact of a high roof.

Modifications to the design were discussed amongst the Board and Mr. Sidy.

Chair Leibsohn opened the public comment at 7:29 PM

Christopher May, a resident, spoke in favor of the variance request.

Paramuir Tuli, a resident, spoke in favor of the variance request.

Chair Leibsohn closed the public comment at 7:33 PM

After being asked by Boardmember Ozer, Mr. Sidy expressed his preference to continue the item.

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to continue item 25-075 to the June 4, 2025 meeting date. The motion carried by the following vote:**

**Aye:**           7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,  
Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas,  
Boardmember William

Boardmember Ozer asked questions about the procedure for a continuance.

**Recess 7:37 PM**



**Reconvened 7:52 PM**

**D. 25-083      Discussion and Possible Action on Case No. BA-25-03  
Jellies Variance – 5204 N 70<sup>th</sup> Place (APN 173-18-028)  
Variance to allow a pool and spa to encroach into the setback**

Mr. Burton presented the item. He showed a vicinity map and aerial photo, then discussed conditions and details of the R-18A parcel as well as the variance history. Mr. Burton addressed the scope of the request, the shallow depth of the lot, and alleyway. He noted public comment had been received and staff is recommending approval.

Chair Leibsohn asked if there were plans to abandon the alleyway or it would remain forever.

Boardmember Contadino pointed out that the alleyway did not appear to be evenly split between properties.

Mr. Burton was unaware of future plans for the alleyway. He shared alleyway details and explained it was separately dedicated. The alleyway setback was discussed amongst the Board and staff.

Ben Tate, the attorney for Property Owner Rick Jellies, presented the item. He shared the site history and an overview, as well as special circumstances, relevant to the variance request.

Chair Leibsohn asked about the dimension between the existing covered patio and the proposed pool. He wondered if this dimension was considered the minimum distance needed to make the area feasible.

Property Owner Rick Jellies spoke about the 6.5-foot walkway, and his need to remove some trees to make enough space between the home and pool.

Chair Leibsohn opened the public comment at 8:17 PM

Kathleen Clifford, a resident, spoke in favor of the variance request.

Fred Ayub, a neighbor, spoke in favor of the variance request.

Chair Leibsohn closed the public comment 8:21 PM

Chair Leibsohn asked if the other structures displayed on the plans were included in this request. He was informed that the other structures were on the plans for reference only.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Petsas, to approve item 25-083 subject to stipulations. The motion carried by the following vote:**

**Aye:**            7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,  
Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas,  
Boardmember William

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. 25-089 Approval of April 2, 2025 Board of Adjustment Minutes.**

A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to approve the April 2, 2025 Board of Adjustment Minutes as presented. The motion carried with the following vote:

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

## **8. STAFF REPORTS**

## **9. PUBLIC BODY REPORTS**

## **10. FUTURE AGENDA ITEMS**

Mr. Burton shared that two items were expected for the June 4<sup>th</sup> meeting date, potentially four.

Boardmember Ozer stated she would be out of Town and suggested she appear electronically.

Chair Leibsohn was in favor of an exception, allowing Boardmember Ozer to appear electronically for the June meeting.

Miss Fullbright noted that a joint training session with the Planning Commission was tentatively scheduled for the evening of July 15<sup>th</sup>.

## **11. ADJOURNMENT**

A motion was made by Chair Leibsohn, seconded by Boardmember Ozer, to adjourn the meeting at 8:30 PM. The motion carried with the following vote:

**Aye:** 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

## **Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Cherise Fullbright, Secretary